

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Trumbull Board of Education

Appearing on behalf of Student: Attorney Lawrence Berliner
Law Office of Lawrence Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board of Education: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated November 2, 2016.² It was received by the Board of Education ("BOE") on November 2, 2016. The 30-day resolution period ended December 2, 2016 and the original deadline to mail the final decision and order was January 16. A telephonic pre-hearing conference was held on December 5, 2016. Attorney Berliner appeared on behalf of Student and Attorney Moses appeared on behalf of BOE.

The following issues are identified:

1. Did the Board of Education provide Student with a free appropriate public education from November 2, 2014 to the end of the 2014-15 school year?
2. Did the Board of Education provide Student with a free appropriate public education for the 2015-16 school year?
3. Did the Board of Education provide Student with a free appropriate public education for the 2016-17 school year?
4. If the answer to Issues 1, 2, or 3 are in the negative, is Cheshire Academy an appropriate placement for Student?
5. If the answer to Issue 4 is in the affirmative, are Student's Parents entitled to reimbursement for Student's tuition and related costs at Cheshire Academy?
6. Is the Board of Education required to reimburse Student's Parents for a communication evaluation?
7. If the answer to Issues 1, 2, or 3 are in the negative, is Student entitled to compensatory education?

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student" and "Student's Mother" in place of names and other personally identifiable information.

² All dates are 2017 unless otherwise indicated.

Via email dated December 5, 2016, Student's Attorney requested a 30-day extension of the mailing date to accommodate scheduling a hearing on January 20. After considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to February 15. A hearing was scheduled for January 20.

On January 12, Student's Attorney requested that the January 20 hearing be rescheduled to February 20 to accommodate settlement discussions and conclusion of settlement negotiations. In order to accommodate a February 20 hearing date, Student's Attorney also requested a 30-day extension of the deadline to mail the final decision and order.

After considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to March 17. The hearing was re-scheduled for February 20. On February 16, Student's Attorney indicated that the parties reached a settlement and withdrew the case with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is dismissed with prejudice.