

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and New Haven Board of Education

Appearing on behalf of the Student:

Attorney Nhi Tran  
New Haven Legal Assistance Association, Inc.  
205 Orange Street  
New Haven, CT 06510

Appearing on behalf of the Board:

Attorney Michelle Laubin  
Berchem Moses, PC  
75 Broad Street  
Milford, CT 06040

Appearing before:

Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board of Education deny the Student a Free Appropriate Public Education (FAPE) by:
  - a. refusing to provide a diagnostic placement at a special education therapeutic day school, and/or by
  - b. refusing to conduct a psychiatric evaluation, and/or by
  - c. placing the Student at Riverside Academy, and/or by
  - d. failing to hold a PPT meeting before the Student was discharged from Solnit and/or failing to offer an appropriate program immediately upon the Student's discharge from Solnit?
2. If the Board did so deny the Student a FAPE as described in No. 1 above, is the Student entitled to compensatory education as a remedy?
3. Does the Student require placement in a therapeutic school with a complete program of academic, behavioral and therapeutic services and supports, such as Wheeler Clinic, in order to receive FAPE?
  - a. If the Student does require such a placement, what are the essential features of such placement

**PROCEDURAL HISTORY:**

The Student initiated this special education due process case on January 29, 2019. This Impartial Hearing Officer was assigned to the case on January 29, 2019. A Prehearing Conference was convened on February 14, 2019. Attorney Nhi Tran appeared on behalf of the Student and Attorney Michelle Laubin appeared on behalf of the Board of Education. It was established that the initial deadline for filing the final decision was April 12, 2019. An evidentiary hearing was scheduled for March 22, 2019.

On March 5, 2019 the Board of Education requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to May 10, 2019. The purpose of the requested postponement and extension was to arrange for mediation and to accommodate the hearing schedule. The Student consented to the requested postponement and it was granted.

The scheduled hearing date was also postponed at the parties' request, from March 22, 2019 to April 25, 2019, to accommodate the mediation schedule. On April 2, 2019, the Board of Education reported that the parties had resolved the matter in principal through mediation.

On May 9, 2019 the Student requested a second postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to June 7, 2019. The purpose of the requested postponement and extension was to accommodate the hearing schedule because the parties were working to finalize their settlement. The request was granted.

On May 17, 2019 the Student requested that the matter be withdrawn or dismissed.

**FINAL DECISION AND ORDER:**

The Student's request for dismissal is granted and the matter is dismissed.