

June 23, 2011

Final Decision and Order 11-0413

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Torrington Board of Education

Appearing on behalf of the Parents:

Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's proposed program for the Student is appropriate;
2. Whether the Student shall be placed in a residential program as requested at the PPT meetings on January 20, 2010 and April 9, 2010;
3. Whether the Student shall be placed at the May Center, inclusive of full residential and tuition costs.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on April 22, 2011 and a prehearing conference convened on May 5, 2011. At the request of the Parents' attorney, the mailing date was extended thirty days, and the hearing date of June 23 was scheduled.

The Parents' attorney submitted an Amended Due Process Request on May 12, 2011 in response to the Board's Sufficiency Challenge and with the agreement of Board's attorney.

On June 20, the Parents' attorney submitted a Motion to Postpone the June 23 hearing date, which was denied as it was not filed five business days before the scheduled hearing date. On June 21, the Parents' attorney submitted notification that the parties had reached a settlement, are in the process of finalizing the agreement, and requested that the matter be dismissed without prejudice. Therefore, this case is dismissed, without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.