

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. North Haven Board of Education

Appearing on behalf of Student: Attorney Alyce Alfano
Klebanoff & Alfano, P.C.
West Hartford, CT 06110
Danbury, CT 06811

Appearing on behalf of Board: Attorney Linda Yoder
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Robert Skelley
Hearing Officer

FINAL DECISION AND ORDER

Issues:

1. Does the June 6, 2012 IEP offer the Student FAPE with an appropriate program and placement, and if not, does the Devereux Glenholme residential program provide an appropriate placement and program?
2. Does the Student require a residential placement and program for educational reasons, or is a day program appropriate for the provision of FAPE?

Procedural History:

This matter is before the Hearing Officer pursuant to a Request for Due Process Hearing filed by the Student on June 26, 2012, and received by the Board on the same date. On July 9, 2012, the Board filed a Sufficiency Challenge. A pre-hearing conference scheduled for July 10, 2012. At the pre-hearing conference the parties agreed to seek mediation in lieu of a resolution meeting. Counsel for the Parents requested a thirty day extension of the mailing date to allow for mediation; both counsel stated that the extension would not negatively impact the Student. The request for extension of the mailing date was granted. The Sufficiency Challenge was set aside pending the results of the mediation which was scheduled for August 28, 2012. Subsequent to the mediation, on September 19, 2012, counsel for the Parents stated via electronic mail that the parties had reached resolution on the matter and that the Parents were withdrawing the pending complaint.

Final Decision and Order:

It is therefore ordered that pursuant to the request by the Parents to withdraw their request for due process, any pending motions not yet resolved are dismissed as moot and this matter is dismissed *without prejudice*.