

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Torrington Board of Education

Appearing on behalf of Student: 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 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 September 23, 2010.¹ It was received by the Board of Education ("BOE") on September 27. The thirty-day resolution period ran through October 27 and the original deadline for mailing the final decision and order was December 11.

A pre-hearing conference was scheduled on October 14 at 8:30 a.m. Attorney Laubin appeared on behalf of BOE. No one appeared on behalf of Student. At 8:35, the Hearing Officer e-mailed Attorney Klebanoff to ask him to join the conference call. At 8:40, when he did not appear, the Hearing Officer proceeded to gather certain information from Attorney Laubin, as indicated below. At 8:55, Attorney Klebanoff called into the conference call service but the pre-hearing conference was over by that time. Attorney Klebanoff wrote to the Hearing Officer, with a copy to Attorney Laubin, apologizing for and explaining his absence. He indicated that the parties had agreed to participate in mediation and that he was hopeful the matter would settle in mediation.

The following issue was identified: Should the Board of Education pay for Student's therapeutic residential placement for the 2010-11 school year?

The parties agreed to participate in mediation on October 26. A hearing was scheduled for December 2.

¹ All dates are 2010 unless otherwise indicated.

On November 23, Student's Attorney requested a 30-day extension of the mailing date and a postponement of the December 2 hearing to permit the parties to continue settlement discussions. After fully considering the positions of the parties, the requests were granted. The December 2 hearing was postponed to January 6 and the deadline to mail the final decision and order was extended to January 10, 2011.

On December 28, Student's Attorney indicated that the parties had reached a settlement agreement and were in the process of executing same. Student's Attorney withdrew the request for hearing without prejudice. BOE's Attorney did not object to the request to withdraw without prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed without prejudice.