

December 6, 2013

Final Decision and Order 14-0175

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. R.S.D. No. 6 Board of Education

Appearing on behalf of the Student: Attorney Philip J. Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

Appearing on behalf of the Board: Attorney Christine Chinni
Chinni & Meuser, LLC
One Darling Drive
Avon, CT 06001

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to recommend and conduct comprehensive and appropriate evaluations of the Student in all areas of suspected disability;
2. Whether the Board failed to offer and provide the Student FAPE for the 2012-13 and the 2013-14 school years, including the extended school year;
3. Whether the Student's placement at Second Nature Blue Ridge and at Discovery Ranch for the 2012-13 school year, summer 2013 and the 2013-14 school year is appropriate and shall be reimbursed;
4. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

The Board received this request for hearing on September 16, 2013 and a prehearing conference convened on September 24, 2013. At the prehearing conference the parties stated that they agreed to mediation, although mediation had not yet been scheduled. The parties agreed to an October 31, 2013 hearing date at the prehearing conference, which was scheduled in accordance with the parties' request.

After the prehearing conference, the Student's/Parent's attorney submitted a copy of a Limited Power of Attorney/Appointment of Representative for Educational Decisions which provided that the Parent [Mother] was appointed as the Student's agent to act for him concerning educational decisions.

Prior to the October 31, 2013 hearing date, the Parents submitted a request for postponement of the hearing date and extension of the mailing date of the decision so that the parties had additional time to attempt to settle the case, which was granted. A new hearing date of December 16, 2013 was scheduled.

On December 5, 2013 the Parents' attorney submitted a request to postpone the December 16, 2013 hearing date and extend the mailing date of the decision so that the parties could reconvene at a mediation to attempt to settle the case. In accordance with Section 10-76h-9 of the Regs. Conn. Agencies, this request was denied. The regulation provides that the hearing officer shall not have the authority to grant any further postponements or extensions for continued settlement discussions after the first such extension is granted.

The Parents' attorney submitted a notice that the Parent is not prepared to go forward with the hearing at this time and requested that the case be dismissed without prejudice. Therefore, this matter is dismissed without prejudice.

FINAL DECISION AND ORDER:

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