

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Stamford Board of Education

Appearing on behalf of the Student:

Parent, *Pro Se*

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student an independent educational evaluation at public expense?
(a) If not, is the Student entitled to an independent educational evaluation at public expense?
2. Has the Board of Education offered the Student an appropriate out of district private school placement?
(a) If not, has the Board of Education offered the Student a free appropriate public education?
(b) If the Board of Education has not offered the Student a free appropriate public education, is an out of district private school placement appropriate?
3. Is the Student entitled to compensatory education services?

PROCEDURAL HISTORY:

The Student filed this due process case on March 3, 2016. This Impartial Hearing Officer was assigned to hear the case on March 4, 2016. A prehearing conference was held on March 18, 2016. The Student's father appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. The deadline for submitting the decision was established to be May 17, 2016. An evidentiary hearing was scheduled for May 11, 2016.

On May 11, 2016, the evidentiary hearing was convened. Evidence concerning the Board of Education's May 5, 2016 Motion for an Emergency Diagnostic Placement was produced. The Hearing Officer issued an Order on the Board's Motion on May 17, 2016.

A further evidentiary hearing was scheduled for July 11, 2016. The Board of Education requested a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to June 16, 2016. The Student consented to the requested postponement and it was granted.

The Board filed a Motion for Dismissal with Prejudice and for Other Equitable Relief ("Motion for Dismissal") on May 19, 2016. On June 1, 2016, the Hearing Officer issued an Order on the Motion for Dismissal. On June 13, 2016, the Student requested that the deadline for filing the final decision be extended to accommodate the hearing schedule and allow the case to proceed through the date of the second evidentiary hearing on July 11, 2016. The Board did not object to the request and it was granted.

July 8, 2016

Final Decision and Order 16-0392

On June 28, 2016, the Student reported that the parties had resolved their disputes and requested that the matter be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this matter is dismissed with prejudice.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

ANN F BIRD

Hearing Officer

Name in Print