

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Ridgefield Board of Education

Appearing on behalf of Student:

Attorney Lawrence Berliner
Klebanoff & Alfano PC
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board of Education:

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

Appearing before:

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 December 23, 2010.¹ It was received by the Board of Education ("BOE") on December 27, 2010. The thirty-day resolution period ran through January 26 and the original deadline for mailing the final decision and order was March 12.

A telephonic pre-hearing conference was held on January 14. Attorney Berliner appeared on behalf of Student and Attorney Moses appeared on behalf of BOE. The following issues were identified:

1. Did BOE provide Student with a free appropriate public education during the 2009-10 school year?
2. Did BOE provide Student with a free appropriate public education during the 2010 extended school year?
3. Did BOE provide Student with a free appropriate public education during the 2010-11 school year?
4. Did BOE offer Student an appropriate transition plan?
5. If the answer to any of the above questions is in the negative, what shall be the remedy?
6. Is Student's private placement appropriate?

¹ All dates are 2011 unless otherwise indicated.

7. If the answer to issue six above is in the affirmative, shall BOE be required to reimburse Student's Parents for the cost of the private placement?
8. Did BOE violate Student's procedural safeguards?
9. If the answer to issue eight above is in the affirmative, what shall be the remedy?

Via letter dated January 18, Student's Attorney requested a 30-day extension of the deadline to mail the final decision and order to allow the parties to participate in mediation on February 17. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to April 11. Hearings were scheduled for March 1, 3, and 9.

Via letter dated January 24, Student's Attorney requested that Issue Eight be revised to be stated as: "Whether Student's Parents were denied a meaningful opportunity to participate in the development of Student's Individualized Education Program." Student's Attorney also indicated that Student's Parents were not available for hearing on March 3. The statement of issues was revised as requested and the March 3 hearing was cancelled.

Via letter dated February 3, Student's Attorney requested a 30-day postponement of the hearing to permit the parties to settle the case. The March 1 and 9 hearings were postponed and Student's Attorney was given until March 15 to either withdraw the request for hearing or request hearing dates.

Via letter dated March 23, Student's Attorney indicated that the parties had reached a settlement agreement and withdrew the request for hearing with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.