

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Monroe Board of Education

Appearing on behalf of the Parents: Attorney Andrew Feinstein
Law Offices of David C. Shaw, LLC
34 Jerome Avenue, Suite 210
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board offered the Student a free appropriate public education for the 2003-2004 school year.
2. If not, whether the Student's placement at the Hope Academy is appropriate.
3. Whether the Board is responsible for the costs of the Student's placement at Hope Academy, including transportation and related services.
4. Whether the Board offered the Student a free appropriate public education for the 2002-2003 extended school year.
5. If not, whether the Student's placement at Eagle Hill for the 2002-2003 extended school year is appropriate.
6. Whether the Board is responsible for reimbursing the Parents for the cost of the Student's placement at Eagle Hill.

7. Whether the Board is responsible for reimbursing the Parents for the costs of an independent educational evaluation with Dr. Quinlan.

8. Whether the Board is responsible for reimbursing the Parents for the costs of an independent educational evaluation for Dr. Geffner.

SUMMARY:

The matter was assigned on December 5, 2003, and a prehearing conference was held on December 10. The first day of hearing was postponed in accordance with Conn. Agencies Regs. Section 10-76h-9(e), which provides for a 30-day postponement and extension of the mailing date of the decision to permit the parties to engage in good faith settlement discussions.

On February 3, the hearing convened, and the Parent testified. The hearing continued on February 4, at which time attorneys for both parties requested that the hearing continue to the next scheduled hearing date to finalize a proposed settlement agreement.

On March 16 the Parents' attorney requested a postponement of the March 17 hearing so that the parties could continue to finalize the settlement agreement. That request was denied. Subsequently, on March 16 the Parents' attorney attempted to file a withdrawal of this matter. The withdrawal was not accepted, as the hearing and testimony had commenced. Once the hearing convenes, the parties may request that the hearing officer dismiss the case, with or without prejudice, but a withdrawal after the hearing convenes is without effect.

The third day of hearing convened on March 17, with the Board's attorney and the Board's representative present. The Parents' attorney was contacted by phone by the Board's attorney and the hearing officer. The attorneys for both parties reported that the case was in the process of being settled, but the settlement had not yet been finalized. The Board's attorney and the Parents' attorney jointly requested that the hearing be dismissed, *without prejudice*.

FINAL DECISION AND ORDER:

The matter is **dismissed** with prejudice.