

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Atty. David C. Shaw, Law Office of David C. Shaw,
34 Jerome Avenue, Bloomfield, CT

Appearing on behalf of the Fairfield Board of Education: Atty. Michelle C. Laubin,
Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide a free appropriate public education ("FAPE") to the Student for the 2007-2008 school year?
2. Did the Board offer a free appropriate public education to the Student for the 2008-2009 school year?
3. If not, should the Board be required to place the Student in the Connecticut Center for Child Development, or if that placement is not available, to develop and implement a new program that includes home programming?
4. Is the Board responsible for reimbursing the Parents for expenses they incurred for an independent evaluation?

PROCEDURAL HISTORY:

The Parents' attorney requested this hearing on May 19, 2008, by faxing a letter to the State Department of Education ("SDE"). The Board received a copy of the letter on May 20, 2008. The Board's attorney filed an appearance on that date. This Hearing Officer was assigned to the case on May 20, 2008. On June 3, 2008, a prehearing conference was held. The mailing date for the final decision was set at August 4. Hearing dates were agreed on for July 22 and 24, 2008. On July 14, 2008, the Parents' attorney requested a postponement of both hearing dates because the parties needed time to gather information necessary to complete settlement discussions begun in mediation on July 1, 2008. The request was granted, the hearing was postponed to August 20, 2008.

and the mailing date for the final decision was extended to September 15, 2008. On July 18, 2008, the Parents' attorney requested a postponement of the August 20, 2008, hearing date because the Parents were not available on that date. The only date offered by the parties was a date that the Hearing Officer was not available. The postponement was denied. A second prehearing conference was held on August 14, 2008. The parties requested time to finalize a settlement, which was granted. An additional hearing date was agreed on for September 16, 2008. and for an extension of the mailing date for the final decision to October 15, 2008. The attorneys were asked to report to the Hearing Officer by September 5, 2008, whether the case was settled. On August 21, 2008, the Parents' attorney advised the Hearing Officer that that the case was settled and the Parents were withdrawing the hearing request with prejudice.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed with prejudice.