

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 5

Appearing on behalf of the Parents:           Attorney Andrew A. Feinstein  
  Attorney at Law, LLC  
  86 Denison Avenue  
  Mystic, CT 06355

Appearing on behalf of the District:        Attorney Marsha Belman Moses  
  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 offer a free appropriate public education to the Student for the 2009 extended school year and the 2009-2010 school year?
2. If not, should the Board be required to place the Student at Foundation School for both periods of time and/or reimburse the Parents for the costs of tuition and placement there?

**PROCEDURAL HISTORY**

The Parents' attorney faxed a letter to the State Department of Education ("SDE") on July 2, 2009 requesting a due process hearing. The Board received a copy of the letter on July 6, 2009. This Hearing Officer was assigned to the case on July 8, 2009. A prehearing conference was held on July 21, 2009. The parties' attorneys requested hearing dates in late September because they had scheduled mediation on August 26, 2009. Hearing dates were agreed on for September 21, 2009 and September 30, 2009. The September 21, 2009 mailing date for the final decision was extended to October 26, 2009 at the request of the Parents' attorney.

On August 28, 2009, the SDE advised the Hearing Officer that the parties had reached an agreement at the August 26, 2009 mediation and that the Parents' attorney would advise her on the status of the hearing request. On September 18, 2009 the Parents' attorney filed a withdrawal of the due process request without prejudice because the final agreement had not been executed and requested that the September 21, 2009 hearing be canceled. The Hearing Officer canceled both hearing dates.

**FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed without prejudice.