

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Brooklyn Board of Education

Appearing on behalf of the Parents:           Attorney Robert L. Skelley  
  Innovative Legal Minds, LLC  
  952 North Main Street  
  Danielson, CT 06239

Appearing on behalf of the Board:           Attorney Anne H. Littlefield  
  Shipman & Goodwin LLP  
  One Constitution Plaza  
  Hartford, CT 06103-1919

Appearing before:                                 Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board provide services required by the last accepted Individualized Education Program (“IEP”)?
2. Did the Board unilaterally revise the last accepted IEP without parental knowledge or consent?
3. Did the Board fail to meet specified objectives identified in the last accepted IEP?

**PROCEDURAL HISTORY:**

The Parents mailed a letter to the State Department of Education (“SDE”) requesting a due process hearing. The SDE received the request on August 26, 2009 and assigned the case to a hearing officer on August 28, 2009. After that hearing officer recused himself from the case, this Hearing Officer was assigned the hearing on September 10, 2009. A prehearing conference notice was sent to the Parents and the Board’s Director of Student Services on September 14, 2009. On September 20, 2009, the Parents’ attorney filed an appearance and an amended complaint. On September 21, 2009, the Hearing Officer called the Parents’ attorney and the Board’s Director of Student Services, who was not available. Her assistant stated that the Board had not received a complaint. The Parents’ attorney was asked to send it to the Board. On September 23, 2009, the Board’s attorney filed an appearance. On October 1, 2009, the Board’s attorney filed a response to the amended complaint. A prehearing conference was held with the parties’ attorneys on October 6, 2009. The Board’s attorney reported that a resolution meeting had been held on October 5, 2009. The attorneys agreed that it was likely that the complaint would be resolved. The Board agreed not to file a sufficiency challenge since the issues were clarified at the resolution

meeting. A hearing date was agreed on for November 23, 2009. The mailing date for the final decision was set at December 7, 2009. On November 20, the Parents' attorney requested a postponement of the November 23, 2009 hearing date because he was ill and the parties were close to a resolution of the case. The request was granted with consent of the Board's attorney, the hearing was scheduled to convene on December 23, 2009 and the mailing date for the final decision was extended to January 19, 2010. On December 7, 2009, the Parents' attorney's office telephoned the Hearing Officer and stated that the case had been settled and that the hearing would not be necessary. On December 8, 2009, the Hearing Officer sent a letter to the parties' attorneys asking that the Parents' attorney file a written request to withdraw the due process hearing. He filed the request later in the day.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed.