

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Milford Board of Education

Appearing on behalf of the Parent: Attorney Lawrence Berliner
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

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

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Student via letter dated October 9, 2009. It was received by the Board of Education on October 13, 2009. Therefore, the 30-day resolution period ran through November 12, 2009. The original deadline for mailing the final decision and order was December 27, 2009.

A pre-hearing conference was held on October 28, 2009. Attorney Berliner appeared on behalf of the Student and Attorney Moses appeared on behalf of the Board of Education. The following issues were identified:

1. Whether the IEP prepared for the 2007-08 school year was appropriate;
2. Whether the IEP prepared for the 2008-09 school year was appropriate;
3. Whether placement at Bromley Brook School was appropriate;
4. Whether the Board of Education should reimburse the Parent for the cost of Student's placement at Bromley Brook School.

The case was scheduled for hearing on December 11, 2009. The parties requested a postponement of that hearing date and a 30-day extension of the mailing date to permit the parties to participate in mediation on December 10, 2009. The request was granted. The December 11, 2009 hearing was cancelled and hearings were scheduled for January 8, 2009 and January 11, 2010. The mailing date was extended to January 26, 2010.

Via letter dated December 22, 2009, the Student indicated that the parties reached a tentative settlement agreement at mediation. The Student requested a postponement of the January hearings until the

first week of February to permit the parties to finalize the settlement agreement. The request to postpone the hearings until February was denied since the mailing date is January 26, 2010 and since the parties had already received a postponement and an extension of the mailing date to permit them to engage in and complete settlement discussions. The Student withdrew the request for hearing without prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed without prejudice.