

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Middletown Board of Education

Appearing on behalf of the Parent: Attorney Courtney Spencer
Law Office of Courtney P. Spencer, LLC
701 Hebron Avenue
Glastonbury, CT 06033

Appearing on behalf of the Board: Attorney Christine L. Chinni
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

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 27, 2009. It was received by the Board of Education on October 29, 2009. The 30-day resolution period ran through November 28, 2009. The original deadline for mailing the final decision and order was January 12, 2010.

A pre-hearing conference was held on November 4, 2009. Attorney Spencer appeared on behalf of the Student and Attorney Chinni appeared on behalf of the Board of Education. The following issues were identified:

1. Did the Board of Education propose an appropriate program for Student for the 2009-10 school year?
2. If the answer to issue number one is no, what shall be the remedy?
3. Did the Board of Education propose and provide Student with an appropriate program for the 2008-09 school year?
4. Did the Board of Education propose and provide Student with an appropriate program for the 2007-08 school year from October 29, 2007 to the end of the year?
5. If the answer to issues number three and/or four is no, is Student entitled to compensatory education?

The parties participated in mediation on November 25, 2009. The matter was not resolved at mediation but the parties continued their discussions. The case was scheduled for hearings on December 9, 2009, December 11, 2009, December 15, 2009 and December 18, 2009.

Via letters dated November 30, 2009 and December 1, 2009, the Student requested a thirty-day extension of the mailing date and the hearing date in order to continue settlement discussions. The Student needed to obtain additional evaluation information necessary to settlement discussions. After consideration of the positions of the parties, the request was granted and the deadline for mailing the final decision and order was extended until February 11, 2010. The December hearing dates were cancelled and rescheduled for January 20, 2010, January 21, 2010 and January 22, 2010.

Via letter dated January 5, 2010, the Student indicated that there was still an outstanding evaluation that had not been completed and that it was unlikely the parties could continue further settlement discussions prior to the scheduled hearing dates. The Student withdrew the hearing request without prejudice to be refiled if an agreement is not reached.

FINAL DECISION AND ORDER

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