

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Somers Board of Education

Appearing on behalf of Student:

Attorney Catherine Cushman  
Connecticut Legal Services  
872 Main Street  
P.O. Box 258  
Willimantic, CT 06226

Appearing on behalf of the Board of Education:

Attorney Michael McKeon  
Sullivan, Schoen & Cannon, LLC  
646 Prospect Avenue  
Hartford, CT 06104-4286

Appearing before:

Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated April 12, 2011.<sup>1</sup> It was received by Board of Education's ("BOE's") Attorney on April 12. The thirty-day resolution period ended May 12 and the deadline to mail the final decision and order is June 26.

A telephonic pre-hearing conference was held on April 29. Attorney Cushman appeared on behalf of Student and Attorney McKeon appeared on behalf of BOE. The following issues were identified at the pre-hearing conference:

1. Did BOE fail to provide Student with a free appropriate public education from April 30, 2010 to the present?
2. Did BOE improperly exit Student from special education services in April 2010?
3. Did BOE erroneously deny Student special education services in April 4, 2011?

BOE previously filed a request for due process to obtain a determination as to whether its evaluations of Student were appropriate. After Student filed this request for due process, BOE withdrew their request and sought to have its issue included in this case. The Hearing Officer declined to impose an issue in Student's request for hearing.

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<sup>1</sup> All dates are 2011 unless otherwise indicated.

BOE indicated an intention to re-file their request for due process and to move for the two cases to be consolidated. The parties agreed to refrain from scheduling hearings in this case until the other case was filed, assigned, and consolidated. BOE re-filed their request for hearing.

The parties participated in mediation on May 10 at which time they reached a settlement agreement. On May 16, Student's Attorney filed a withdrawal based on the settlement.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed.