

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. New Haven Board of Education

Appearing on behalf of Student:

Attorney Nhi Tran
New Haven Legal Assistance
426 State Street
New Haven, CT 06510

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin
Berchem Moses & Devlin
75 Broad Street
Milford, CT 06460

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 December 15, 2015.² It was received by the Board of Education ("BOE") on January 2, 2016. The 30-day resolution period ended February 1 and the original deadline to mail the final decision and order was March 17. A telephonic pre-hearing conference was held on January 18. Attorney Tran appeared on behalf of Student and Attorney Laubin appeared on behalf of BOE. The following issues were identified:

1. Did the Board of Education fail to meet its Child Find obligations with regard to Student in March 2015?
2. Did the Board of Education fail to timely evaluate Student when requested in March 2015?
3. Did the Board of Education fail to provide Student with a free appropriate public education on and/or after March 16, 2015?
4. If the answer to any of the Issues One through Three is in the positive, what shall be the remedy?

The parties were scheduled for mediation on March 4. On January 25, Student's Attorney filed a request for an extension of the mailing date to accommodate hearing dates after March 11 (7 days after the scheduled mediation). After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until April 16. A hearing was scheduled for March 28.

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student" and "Student's Mother" in place of names and other personally identifiable information.

² All dates are 2016 unless otherwise indicated.

The March 4 mediation was cancelled due to Student's Attorney's family emergency and was rescheduled for May 11. On March 18, BOE's Attorney requested a postponement of the March 28 hearing date. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until May 16. A hearing was scheduled for May 13.

On May 6, Student's Attorney requested an additional extension of the mailing date to accommodate settlement discussions. The parties were reminded that under Connecticut Regulations, the Hearing Officer has the authority to grant one extension for continued settlement discussions. The parties indicated that they were not prepared to file exhibits and that they had been participating in on-going discussions and in the planning and placement team process with success. Student's Attorney indicated that the outstanding issue relates to relief for Student and requested to withdraw the matter without prejudice.

FINAL DECISION AND ORDER

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

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20 United States Code 1415(i)(2)(A)..



Hearing Officer Signature

JANIS C. JERMAN

Hearing Officer

Name in Print