

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Stamford Board of Education¹

Appearing on behalf of Student: Attorney Phillip Cohn
Cohn & Paul PLLC
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board of Education: Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 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 October 18, 2017.² It was received by Board of Education ("BOE") on October 18. The original deadline to mail the final decision and order was December 29. A telephonic pre-hearing conference was held on November 7. Attorney Cohn appeared on behalf of Student and Attorney Moses appeared on behalf of BOE.

The following issues were identified:³

1. Did the Board of Education offer Student a free appropriate public education for the 2017-18 school year?
2. If the answer to Issue 1 is in the negative, is Winston Preparatory School an appropriate placement for Student?
3. If the answer to Issue 2 is in the affirmative, is Student entitled to reimbursement for tuition?
4. Is Student entitled to reimbursement for a neuropsychological evaluation?

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," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2017 unless otherwise indicated.

³ At the prehearing conference, Student's Attorney raised as an issue whether BOE offered Student an appropriate program for the 2018 extended school year. BOE's Attorney objected on the basis that the issue was not yet ripe. Student's Attorney agreed to remove that issue from the request.

The parties participated in mediation on November 21. Hearing was scheduled for December 14. On December 11, Student's Attorney requested a postponement of the scheduled hearing date and requested an extension of the mailing date to allow the parties to finalize a settlement. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to January 26, 2018. Hearing was scheduled for January 12, 2018.

On January 5, 2018, Student's Attorney indicated that the parties settled the case and that BOE's Attorney represented that the agreement would be executed in a timely manner. On that basis, Student's Attorney requested to cancel the January 12 hearing and withdraw the request for due process with prejudice.

FINAL DECISION AND ORDER

Based on the above facts, the case is dismissed with prejudice.