

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parent: Pro Se

Appearing on behalf of the Board: Attorney Christine Sullivan
Berchem Moses, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Laura Share, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer an appropriate program for the 2017-2018 school year?
2. If not, is placement at Watkinson School the appropriate program for the Student for the 2017-2018 school year and should the Board be ordered to place the student at Watkinson School for the 2017-2018 school year and refund any tuition paid by the parents?

PROCEDURAL HISTORY/SUMMARY:

The Student initiated this special education due process case on 10/15/18. This Impartial Hearing Officer was assigned to this case on 10/22/18. A Prehearing Conference was convened on 10/30/18, in which the Board represented that it would require three hearing dates and Attorney Berliner represented that he would require two hearing dates. Attorney Berliner appeared on behalf of the Student and Attorney Sullivan appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was 11/29/18. An evidentiary hearing was scheduled for 12/5/18.

On 10/30/18, Attorney Berliner amended his complaint, which reset the mailing date of decision deadline. Pursuant to 20 US Code §1415(c)(2)(E)(iii), “the applicable timeline for a due process hearing under this subchapter shall recommence at the time the party files an amended notice, including the timeline under subsection (f)(1)(B), which addresses the resolution session. Therefore, the filing of the amended complaint resets the resolution session timeline and resets the hearing timeline. The mailing date of decision deadline was reset to 1/11/19 (75 days after 10/30/18).

On 11/29/18, Attorney Berliner and Attorney Sullivan requested a postponement of the first day of hearing scheduled for 12/5/18 and requested an extension of the mailing date. The purpose of the requested postponement and extension is to allow the parties time to finalize their settlement agreement. On 11/29/18, said requests were granted.

On 1/8/19, Attorney Berliner requested a second postponement of the first day of hearing scheduled for 1/11/19 and requested an extension of the mailing date for continued settlement discussions. On 1/9/19 said requests were denied pursuant to Regulations of Connecticut State Agencies §10-76h-9(e) since the undersigned lacked authority to grant a further postponement for continued settlement discussions

On 1/22/19, the Parent filed a pro se appearance in lieu of Attorney Berliner and the Board requested a second postponement of the first day of hearing scheduled for 2/8/19 and an extension of the mailing date to accommodate the hearing schedule. On 1/24/19, the Parent objected to the Board's requests. On 1/28/19, said requests were granted and the mailing date of decision deadline was extended to 3/11/19 and hearing dates were scheduled for: 2/20/19, 3/1/19, and 3/6/19.

On 2/14/19, the Parent reported the subject case settled and withdrew her hearing request with prejudice.

ORDER:

The matter is **DISMISSED** with prejudice.