

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Fairfield Board of Education

Appearing on behalf of Student: Attorney Andrew Feinstein  
86 Denison Avenue  
Mystic, CT 06355

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 July 25, 2012.<sup>1</sup> It was received by Board of Education's ("BOE") Attorney on July 25. The thirty-day resolution period ended August 24. The original deadline to mail the final decision and order was October 8.

A telephonic pre-hearing conference was held on August 10. Attorney Feinstein 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 offer Student an appropriate educational program for the 2012-13 school year?
2. If the answer to Issue One above is in the affirmative, what shall be the remedy?

Via e-mail dated August 10, Student's Attorney requested a 30-day extension of the deadline to mail the final decision and order in order to schedule and complete hearings after mediation which was scheduled for September 24. 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 November 7.

The parties participated in mediation on September 24. The parties did not resolve the matter at mediation. Hearings were scheduled for October 2, 16, and 17.

Via e-mail dated September 25, Student's Attorney requested that the October 2 hearing be cancelled to permit production of extensive exhibits after mediation and five days prior to hearing. After fully considering the positions of the parties, the request was granted. The October 2 hearing was cancelled. The hearings for October 16 and 17 were still scheduled to proceed.

On Saturday, October 13, Student's Attorney indicated that the parties were in the final stages of executing a settlement agreement which they expected to complete by the morning of Monday, October 15. Late in the day on October 15, Student's Attorney indicated that a settlement agreement had been executed and that the request for due process was withdrawn with prejudice. Due to the lateness of the notice, the hearing proceeded on October 16. Student's Attorney did not appear; BOE's Attorney did appear and indicated that the parties executed a settlement agreement and that Student's Attorney had withdrawn with prejudice.

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In light of the above facts, the above-captioned case was dismissed with prejudice.

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<sup>1</sup> All dates are 2012 unless otherwise indicated.