

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Fairfield Board of Education v. Student

Appearing on behalf of Student: Student's Father, *Pro Se*

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 Board of Education's ("BOE's") Attorney via letter dated December 27, 2012.<sup>1</sup> It was received by Student's Parents on December 31, 2012. The original deadline to mail the final decision and order was February 14.

A telephonic pre-hearing conference was held on January 14. Attorney Laubin appeared on behalf of BOE and Student's Father appeared on behalf of Student. The following issues were identified:

1. Are the Board of Education's 2011 evaluations of Student appropriate?
2. If the answer to Issue One is in the negative, should the Board of Education be required to reimburse Student's Parents for their privately obtained Independent Educational Evaluation?

Via letter dated January 16, BOE's Attorney requested a 30-day extension of the deadline to mail the final decision and order to accommodate the parties' anticipated settlement negotiations. 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 March 14. A hearing was scheduled for March 5.

The parties participated in mediation on February 26 in another matter related to unilateral placement at which time they expected to discuss the issues raised in this hearing at the same time. Following the mediation, BOE's Attorney indicated that BOE agreed to reimburse Student's Parents for their private evaluation of Student, making the due process request unnecessary. BOE therefore withdrew their request for due process.

**FINAL DECISION AND ORDER**

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

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<sup>1</sup> All dates are 2013 unless otherwise indicated.