

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Danbury Board of Education

Appearing on behalf of the Student:

Attorney Howard Klebanoff  
Klebanoff & Alfano  
433 South Main Street, Suite 105  
West Hartford, CT 06110

Appearing on behalf of the Board:

Attorney Rebecca Santiago  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before:

Attorney Janis C. Jerman, Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by the Student's Attorney via letter dated April 23, 2010.<sup>1</sup> It was received by the Board of Education on April 28. The thirty-day resolution period ran through May 28 and the original deadline for mailing the final decision and order was July 13, 2010.

A pre-hearing conference was held on May 24. Attorney Klebanoff appeared on behalf of Student and Attorney Santiago appeared on behalf of the Board of Education. The following issue was identified: Is the Danbury Board of Education required to reimburse Student's Parents for Student's residential placement for the 2009-10 school year?

At the pre-hearing conference, the parties indicated that they were scheduled for a resolution meeting on May 27. A hearing was scheduled for July 12. Following the pre-hearing conference, Student's Attorney filed a request for a 30-day extension of the mailing date to permit the parties to attempt to resolve the matter.

On May 27, Student's Attorney indicated, in writing, that the parties negotiated a settlement at that day's resolution meeting and requested a three-week continuance to permit the parties to prepare and execute a settlement agreement. Student's Attorney indicated that the matter will be withdrawn with prejudice upon execution of the settlement agreement.

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<sup>1</sup> All dates are 2010 unless otherwise indicated.

The request for an extension of the mailing date was denied in light of the subsequent settlement and representation that the parties need three weeks to execute an agreement and withdraw the matter with prejudice. The order indicated that if, by June 18, 2010, either the matter is not withdrawn or if a renewed request for an extension of the mailing date based on the parties' failure to execute a settlement agreement is not filed, the matter will be dismissed for failure to prosecute.

On June 14, Student's Attorney requested a 30-day extension of the mailing date and two-week continuance of the hearing to permit the parties to finalize the settlement agreement. 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 August 12, 2010.

On July 7, Student's Attorney indicated that the matter was settled and sought to withdraw the case with prejudice.

#### **FINAL DECISION AND ORDER**

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