

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Amity Regional School District No. 5

Appearing on behalf of the Parents: Attorney Sally R. Zanger
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Craig S. Meuser
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board provided a free appropriate public education to the Student for the 2003-2004 school year.
2. Whether the Board has offered a free appropriate public education to the Student for the 2004-2005 school year.
3. If not, whether the Parents' proposed placement is appropriate.

SUMMARY:

The matter was assigned on May 20, and a prehearing conference was held on May 24. At the prehearing, counsel for both parties confirmed that the parties were attempting to settle this matter by submitting this case to mediation. A hearing date was scheduled for June 17. On June 7 the attorney for the Parents submitted a request for postponement of the hearing date, and an extension of the mailing date of the decision so that the parties could proceed with the mediation which had been rescheduled. That request was granted in accordance with Section 10-76h-9(e) of the Connecticut Regulations which provides for a 30-day postponement for settlement discussions between the parties. The hearing was rescheduled to commence on July 20.

On July 13, the attorney for the Parents submitted a request for a postponement of the hearing date to give the parties time to complete the settlement agreement. That request was denied, as in accordance with Section 10-76h-9(e) of the Connecticut Regulations, the parties are entitled to only one postponement for settlement discussions.

At the hearing on July 20, the attorneys for the parties, and the parties, appeared and finalized their settlement agreement. The attorneys stipulated on the record that they agreed to a dismissal of Issue No. 1 with prejudice, and a dismissal of Issues 2 and 3 without prejudice.

FINAL DECISION AND ORDER:

Issue No. 1 is DISMISSED, with prejudice.

Issue No. 2 and Issue No. 3 are DISMISSED, without prejudice.

The matter is **DISMISSED**.