

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Easton Board of Education

Appearing on behalf of the Parent: Attorney Marisa Mascolo
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West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Marsha Belman Moses
Berchem Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

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 via letter dated September 2, 2009. It was received by the Board of Education on the same date. Therefore, the 30-day resolution period ran through October 2, 2009. The original deadline for mailing the final decision and order was November 16, 2009.

A pre-hearing conference was held on October 13, 2009. Attorney Mascolo appeared on behalf of the Student and Attorney Moses appeared on behalf of the Board of Education. After a discussion about the original request for hearing and changes in facts subsequent to the filing of the request, the following issues were identified:

1. Whether the Board of Education's 2009 speech and language evaluation is appropriate;
2. If the Board of Education's 2009 speech and language evaluation is not appropriate, is the Student entitled to an independent evaluation at public expense?

The parties participated in mediation on October 9, 2009. The matter was not resolved at mediation but the parties continued their discussions.

On October 28, 2009, the Board of Education filed a request for a 30-day postponement pursuant to Connecticut State Regulations Section 10-76h-9(e) and an extension of the mailing date pursuant to Connecticut State Regulations Section 10-76h-9(d). The Student joined in the requests. The request for a 30-day postponement and extension of the mailing date was granted after full consideration of the positions of the parties. The deadline for mailing the final decision and order was extended until December 16, 2009.

The matter was scheduled for hearing on December 1, 2009.

Via letter dated November 24, 2009, the Board of Education and the Student jointly requested a thirty-day extension of the mailing date and the hearing date in order to finalize an oral settlement agreement. The request for a 30-day postponement and extension of the mailing date was granted after full consideration of the positions of the parties. The deadline for mailing the final decision and order was extended until January 15, 2010.

Via letter dated December 3, 2009, the Board of Education indicated that they received notice that the Parents had withdrawn their request for an independent speech and language evaluation at public expense and that the Board of Education withdraws its due process complaint.

FINAL DECISION AND ORDER

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