

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Vernon Board of Education v. Student

Appearing on behalf of the Parents: Attorney Marisa A. Mascolo  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 105  
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Melanie E. Dunn  
Siegel, O'Connor, O'Donnell & Beck, P.C.  
150 Trumbull Street  
Hartford, CT 06103

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:**

Should the Hearing Officer order a 45-day change in placement for the Student from the public school to an appropriate interim alternative educational setting pursuant to 34 C.F.R., Section 300.532(b)(2)(ii) for the reason that maintaining the child's current placement is substantially likely to result in injury to the child or to others?

**PROCEDURAL HISTORY:**

The Board's attorney faxed a letter to the State Department of Education ("SDE") on June 7, 2010 requesting an expedited due process hearing. This Hearing Officer was assigned to the case on June 9, 2010. On June 14, 2010, the Parents' filed a Motion to Consolidate requesting that this case be consolidated with a case filed by the Parents against the Board, which was assigned to another hearing officer. A prehearing conference was held on June 16, 2010. The Board objected to consolidating this case with the other hearing officer because of the emergency nature of the Board's due process request. There was a difference of opinion between the attorneys as to setting timelines for the hearing and the mailing date for the final decision. There were 13 school days between the June 7, 2010 filing date and the end of the school year on June 23, 2010. The Hearing Officer determined that the extended school year days would be counted in setting the timelines. One hearing date was agreed on for July 7, 2010. The mailing date for the final decision was set at July 21, 2010. On June 17, 2010, after conferring with the other hearing officer who referred that case to this Hearing Officer, the Parents' Motion to Consolidate was granted.

On June 18, 2010, the Board's attorney filed a joint request to postpone the July 7, 2010 hearing date to July 21 so that the parties could pursue mediation on July 8, 2010. On June 28, 2010, the Parents' attorney requested that the June 30, 2010 due date for filing witness lists and exhibits be extended until such time as

another hearing date was identified. She also stated that although the parties were not able to schedule mediation on July 7, 2010, they had agreed to meet to discuss resolution of both cases. On June 29, 2010, the Hearing Officer advised the parties that although postponements are not generally granted in expedited hearings, under the circumstances both requests were granted. A new hearing date was discussed with the attorneys at a prehearing conference on July 2, 2010. The hearing was rescheduled to July 15, 2010 and the mailing date for the final decision remained on July 21, 2010. On July 9, 2010, the Board's attorney advised the Hearing Officer that the parties had executed a written settlement agreement on July 7, 2010 and that the Board was withdrawing its hearing request.

### **FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed.