

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Milford Board of Education v. Student¹

Appearing on behalf of Student:

Attorney Jeffrey Forte
Forte Law Group LLC
One Enterprise Drive, Suite 410
Shelton, CT 06484

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin
Berchem Moses PC
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 Student's Attorney via Due Process Complaint dated June 24, 2020.² Student's Attorney filed an Amended Due Process Complaint on July 17. The Board of Education ("BOE") received the amended request for due process hearing on July 17. The case timeline reset based on the filing of the amended complaint. The 30-day resolution period ended on August 17 and the 45-day deadline to mail the final decision and order is September 30.

A telephonic pre-hearing conference was held on July 17. Attorney Forte appeared on behalf of Student and Attorney Laubin appeared on behalf of BOE.

The following issues were identified:

1. Did the Board of Education provide Student with a free appropriate public education during the 2018-19 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2019-20 school year?
3. Did the Board of Education offer Student a free appropriate public education for the 2020-21 school year?

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2020 unless otherwise indicated.

4. If the answer to Issue Three above is in the negative, is Student's unilateral placement at Southport School appropriate?
5. If the answer to Issue Four above is in the affirmative, are Student's Parents entitled to reimbursement from the Board of Education for the unilateral placement at Southport School?
6. Was the Board of Education's evaluation of Student appropriate?
7. If the answer to Issue Six above is in the negative, is Student entitled to an independent educational evaluation in the areas of occupational therapy, assistive technology, ecological assessment, functional behavior analysis, and/or speech and language at the Board of Education's expense?
8. Are Student's Parents entitled to reimbursement from the Board of Education for Student's independent psychological evaluation, literacy evaluation, and/or private tutoring?
9. If the answer to any one of the Issues One through Three above is in the negative, what shall be the remedy?

The parties participated in mediation on July 27. Hearing was scheduled for August 28. On August 19, Student's Attorney indicated that the parties were finalizing a settlement agreement and requested a postponement of the August 28 hearing to allow the parties time to finalize and sign a settlement agreement. After fully considering the positions of the parties, the request was granted. The August 28 hearing was postponed one week to September 4.

On September 1, Student's Attorney indicated that the parties had executed a settlement agreement and withdrew the matter with prejudice.

FINAL DECISION AND ORDER

The above-captioned case is dismissed with prejudice.