

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Atty. Nora A. Belanger, Law Office of Nora A. Belanger, L.L.C., 10 Wall Street, Norwalk, CT 06850

Appearing on behalf of the Fairfield Board of Education: Atty. Michelle C. Laubin, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Did the Board provide a free appropriate public education (FAPE) to the Student for the 2006-2007 school year and the 2007 extended school year (ESY)?
2. If not, should the Board be required to reimburse the Parents for the costs of private tutoring at the Lindamood-Bell program in 2006 and 2007?
3. Did the Board provide a FAPE to the Student for the 2007-2008 school year?
4. Did the Board propose a FAPE to the Student for the 2008 ESY and the 2008-2009 school year?
5. If not, should the Board be required to provide the Student with an outplacement at Winston Preparatory School for the 2008-2009 school year and the 2009 ESY, including transportation and speech and language services?
6. Should the Board be required to reimburse the Parents for private evaluations, tutoring, counseling and related services?
7. Are the Parents entitled to compensatory education for the Student for the period of time from September 2006 to the present?

PROCEDURAL HISTORY

The Parents' attorney mailed and faxed a letter on September 29 requesting a due process hearing to the State Department of Education ("SDE"). The Board's attorney received a copy of the letter on that date. This Hearing Officer was assigned to the case on September 30, 2008. A prehearing conference was held on October 17, 2008. The attorneys reported that they had requested an advisory hearing, which was assigned to another Hearing Officer, but that no date had yet been set. Hearing dates were agreed on for November 21 and December 3. The mailing date for the final decision was set at December 15, 2008. On October 27, the Board's attorney requested a postponement of the November 21 hearing date because the Parties had an advisory hearing scheduled on November 19 and the Board's representatives were not available on November 21. The request was granted, the hearing was scheduled to convene on December 3 and the mailing date for the final decision was extended to December 29, 2008. On November 18, the Parents' attorney requested postponement of the November 19 advisory hearing to December 3 because of a medical emergency in the family. The Hearing Officer granted the request to postpone the December 3 hearing and scheduled the hearing to convene on January 9, 2009. The mailing date for the final decision was extended to February 2, 2009. On December 12, the Parents' attorney advised the Hearing Officer that the Parties had agreed to mediation and that they were withdrawing the due process request without prejudice. On December 22, the SDE advised the Hearing Officer that the case was scheduled for mediation on January 14, 2009.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.