

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parents:

Attorney Paul Melokowsky
Collins Dean & Melokowsky
212 New London Turnpike
Glastonbury, CT 06033

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem Moses & Devlin
75 Broad ST
Milford, CT. 06460

Appearing before: Attorney Deborah R. Kearns, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

- I. Whether the local education agency provides the child with an individualized education program that provides a free and appropriate public education?
- II. If not, whether the parents are entitled to reimbursement for the cost of the residential placement in which they have unilaterally enrolled the child?

PROCEDURAL HISTORY:

The parent through counsel requested a due process hearing on or about April 17, 2008. At a prehearing conference on May 9, 2008 the parties requested time to mediate the matter. Upon completion of the mediation the parties requested scheduled hearing dates be postponed to allow time for them to seek an advisory opinion in the matter. The postponement was granted, with instructions, to contact the hearing officer if additional hearing dates are required. There has been no communication to schedule additional hearing dates in the matter. On October 8, 2008 the Board of Education, through counsel, requests the matter be dismissed without prejudice for failure to prosecute the due process matter. The parties agreed to extend the date for final decision to pursue settlement negotiations.

FINAL DECISION AND ORDER:

1. The case is dismissed without prejudice.