

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parents: Attorney Nora Belanger
10 Wall ST
Norwalk, CT 06850

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 Student with an individual education program that provides a free and appropriate public education?
- II. If not, whether the Board of Education must place the Student in an out-of-district placement in order to receive a free and appropriate public education?

PROCEDURAL HISTORY

The parents, through counsel, requested a due process hearing on or about August 15, 2008. On August 27, 2008, the Board of Education filed a Sufficiency Challenge, stating the complaint fails to state a proposed resolution pursuant to 34 C.F. R. § 300.508(b)(6). On September 3, 2008, the parents through counsel filed, Objection to the Sufficiency Challenge, stating the complaint contains the requisite proposed resolution. At a prehearing conference on September 5, 2008, counsel for the parents clarified the Board of Education had not received a full copy of the complaint. It was then decided the complaint met the statutory and regulatory requirements. The parties requested time to pursue mediation in the matter. The mediation was scheduled for the first day of hearing. The parties requested postponement of the scheduled hearing date, which was granted. The parties were able to reach settlement prior to the scheduled hearing date, and request the matter be dismissed with prejudice. The matter was resolved within forty-five days as extended to schedule mediation.

FINAL DECISION AND ORDER

1. The case is dismissed with prejudice.