

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Hamden Board of Education

Appearing on Behalf of the Parents: Attorney Marisa A. Mascolo,  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102,  
West Hartford, CT 06110

Appearing on Behalf of Board: Attorney Marsha Belman Moses,  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**ISSUES:**

1. Did the Board offer the Student a Free Appropriate Public Education (“FAPE”) for the 2008-2009 school year where the Individualized Education Program (“IEP”) would have placed the Student at West Woods Elementary School over the Parents’ objections?
2. If not, is the Parents’ preferred placement at the Connecticut Center for Child Development (“CCCD”) appropriate?

**PROCEDURAL HISTORY:**

The Parents requested this hearing by mailing a request for an impartial hearing dated August 28, 2008 to the Board’s Special Education Director and copies to the Board’s attorney and the State Department of Education (“SDE”). This Hearing Officer was assigned to the case on September 5. The Board received the request on September 8, 2008. On September 23, a prehearing conference was held. The mailing date for the final decision was set at November 24, 2008. Hearing dates were agreed on for October 23, 27 and 31. On September 25, 2008, the Board’s attorney filed a Sufficiency Challenge to the complaint. On September 30, the Parents’ attorney filed a Response to the Board’s Sufficiency Challenge. On October 1, the Hearing Officer determined that the complaint was sufficient. On October 9, the Parents’ attorney requested postponement of the October 23 hearing date so that the Parties could mediate on that

date. The request was granted, an additional hearing date was scheduled for December 1 and the mailing date for the final decision was extended to December 26, 2008. On October 22, the Parents' attorney requested a postponement of the October 27 hearing in order to reschedule the mediation, which was granted. On October 27, the Parents' attorney requested a postponement of the October 31 hearing to allow the Board time to review a recent evaluation of the Student. The request was granted, an additional hearing date was scheduled for December 4 and the mailing date for the final decision was extended to December 29, 2008. On October 31, the SDE advised the Hearing Officer that the Parties did not reach agreement at the mediation, but were continuing settlement negotiations. On November 25, the Parents' attorney requested a postponement of the December 1 and 4 hearing dates until January 2009 because the Parties had reached an interim agreement and needed additional time to explore a final resolution. The request was granted, the hearing was postponed to January 27 and the mailing date for the final decision was extended to February 3, 2009. The hearing convened on January 27. The Parties were granted time to continue settlement discussions. A written agreement was reached and executed by the Parties. The Parents' attorney requested that the hearing request be withdrawn with prejudice.

#### **FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed with prejudice.