

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Milford Board of Education

Appearing on behalf of the Parents: Attorney Lawrence W. Berliner  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102  
West Hartford, CT 06110

Appearing on behalf of the 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. Should the Student's primary disability be changed from Other Health Impaired to Emotionally Disturbed?
2. Did the Board's June 11, 2007 Individualized Education Program ("IEP") provide the Student with a Free Appropriate Public Education ("FAPE") for the 2007-2008 school year?
3. If not, was Bromley Brook appropriate for the Student's needs?
4. If so, should the Board reimburse the Parents for the costs of Bromley Brook?
5. Did the Board's September 4, 2008 IEP provide the Student with a FAPE for the 2008-2009 school year?
6. If not, was Bromley Brook appropriate for the Student's needs?
7. If so, should the Board reimburse the Parents for the costs of Bromley Brook?

**PROCEDURAL HISTORY:**

The Parents' attorney requested this hearing by mailing a letter dated October 20, 2008 to the Board of Education's attorney and a copy to the State Department of Education ("SDE"). The Board of Education's attorney received the letter on October 22. The SDE received a copy on October 23. This Hearing Officer was assigned to the case on October 27. On November 20, a prehearing conference was held. The mailing date for the final decision was set at January 5, 2009. The Parties had agreed to mediation, but no date had been set. Hearing dates were agreed on for January 7 and 12. On November 20, the Parents' attorney requested a 30-day extension of the mailing date for the final decision so that the Parties could schedule mediation in December and the hearing dates in January, which was granted. He also clarified the issues for the hearing. The mailing date for the final decision was extended to February 4, 2009. On December 2, the Board's attorney requested a postponement of the January 7 hearing date so that the Parties could schedule mediation on January 6. The request was granted. On December 3, the Parents' attorney requested that the Board waive the five-day rule for submission of witness lists and exhibits. On December 8, 2008, the SDE notified the Hearing Officer that the mediation was scheduled on January 7, 2009. On January 5, 2009, the Parents' attorney notified the Hearing Officer that because of medical issues the hearing request was withdrawn without prejudice, subject to refileing at a later date. The Board's attorney had no objection.

**FINAL DECISION AND ORDER:**

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