

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

On behalf of the Parents:

Attorney Marisa Mascolo
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

On behalf of the Board:

Attorney Rebecca Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing Before:

Attorney Stacy M. Owens, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to properly identify the Student as eligible to receive special education services during the 2007-2008 school year.
 - a. If so, whether the Board failed to provide the Student a free and appropriate public education (“FAPE”) during the 2007-2008 school year.
 - b. If so, whether the Student is entitled to compensatory education for the 2007-2008 school year.
2. Whether the Board failed to provide the Student a FAPE during the 2008-2009 school year.
 - a. If so, whether the Student is entitled to compensatory education from September 2008 through January 2009.
 - b. If so, whether the Parents’ unilateral placement of the Student at the Grove School from January 2009 to the present was appropriate, thereby entitling them to reimbursement.

SUMMARY/PROCEDURAL HISTORY:

On April 20, 2009, the Danbury Board of Education (“the Board”) received a request for hearing from the Parents. (H.O. Exh. 1)

On April 22, 2009, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order. (H.O. Exh. 2)

A prehearing conference convened on May 6, 2009. (H.O. Exh. 3) During the prehearing conference, Attorney Marisa Mascolo appeared on behalf of the Parents; Attorney Rebecca Santiago appeared on behalf of the Board. The issues were confirmed and the hearing was scheduled for May 29, 2009, June 2, 2009, June 12, 2009 and June 15, 2009. (H.O. Exh. 4)

On May 21, 2009, as agreed by both parties, Attorney Mascolo requested a postponement of the hearing to continue on-going negotiations. (H.O. Exh. 5) The request was granted and the May 29, 2009 and June 2, 2009 hearing dates were cancelled. The first day of hearing was to convene on June 12, 2009.

On June 3, 2009, Attorney Schafer submitted a letter indicating that “. . . the parties have reached a settlement” and requested “that this matter be withdrawn with prejudice.” (H.O. Exh. 7)

FINAL DECISION AND ORDER:

As such, and based on the foregoing, this matter is **dismissed with prejudice.**