

February 28, 2017

Final Decision and Order 17-0156 and 17-0179
(consolidated)

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parent:

Elizabeth Moyse, Esq.
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Marsha Moses, Esq.
Berchem, Devlin and Moses, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Sylvia Ho, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide FAPE for January/2016 - June 2016 school year and ESY 2016?
2. Did the Board offer FAPE for the 2016-2017 school year?
3. Does the Student require an out of district placement?
4. Did the Board timely evaluate student in all areas of suspected disabilities?
5. Did the Board predetermine the Student's placement?
6. Do the circumstances warrant an award of compensatory education?
7. Was the Board's evaluation appropriate?
8. If not, are Parents entitled to an independent educational evaluation at public expense?

PROCEDURAL HISTORY/SUMMARY:

The Parents filed the Due Process Complaint and Request for Hearing, Case No. 17-0156, on September 29, 2016. The Hearing Officer was appointed on October 4, 2016 and conducted a Prehearing Conference on October 17, 2016. The Hearing Officer granted the parties' request to extend the mailing date of the final decision in order to mediate the dispute. The hearing was scheduled for December 15, 2017. On October 20, 2016, the Board filed a Hearing Request concerning the same factual circumstances, Case No. 17-0179. The Board's Hearing Request was consolidated with Case No. 17-0156 on November 3, 2017. The hearing of the consolidated matter was postponed to January 9, 2017. On December 30, 2017, the Parents filed an Amended Complaint. The Board did not object to the amendment. The Hearing Officer granted the amendment. The mailing date of the Final Decision was extended to March 15, 2017. The hearing was postponed to February 28, 2017. The hearing convened on February 28, 2017. The Parent's attorney reported to the Hearing Officer that the parties had executed a settlement agreement and that the Parents were withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with prejudice.