

June 4, 2012

Final Decision and Order 12-0357

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Green brier  
dismissed

Student v. Newtown Board of Education

Appearing on behalf of Student:

Attorney Phillip Cohn  
Goldman Gruder & Woods LLC  
200 Connecticut Avenue  
Norwalk, CT 06854-7964

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin  
Berchem Moses & Devlin  
75 Broad Street  
Milford, CT 06460

Appearing before:

Attorney Janis C. Jerman, Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated March 28, 2012.<sup>1</sup> It was received by Board of Education's ("BOE's") Attorney on March 28. The thirty-day resolution period ended April 27 and the deadline to mail the final decision and order is June 11.

A telephonic pre-hearing conference was held on April 16. Attorney Laubin appeared on behalf of BOE. No one appeared on behalf of Student. The Hearing Officer e-mailed Student's Attorney to remind him of the pre-hearing conference. After waiting ten minutes, the pre-hearing conference proceeded with a brief discussion. Shortly thereafter, Student's Attorney e-mailed indicating that he did not receive the notice due to difficulties with his e-mail address.

The following issues were identified:

1. Did BOE fail to satisfy its Child Find obligations and fail to identify Student as eligible for special education services?
2. If the answer to Issue One, above, is answered in the affirmative, what shall be the remedy?
3. Should BOE be required to reimburse Student's Parents for Student's placement at Greenbrier Academy for Girls from July 2011 through the 2011-12 school year?

BOE's Attorney sought clarification as to what time period Issue One applies. Student's Attorney was requested to clarify as to whether Issue One should ask whether BOE failed to timely satisfy its Child Find obligation or whether a time frame should be indicated in the framing of the Issue. After receiving a response from Student's Attorney, the Hearing Officer restated Issue One. The following issues were identified:

<sup>1</sup> All dates are 2012 unless otherwise indicated.

1. Did BOE fail to satisfy its Child Find obligations and fail to timely identify Student as eligible for special education services?
2. If the answer to Issue One, above, is answered in the affirmative, what shall be the remedy?
3. Should BOE be required to reimburse Student's Parents for Student's placement at Greenbrier Academy for Girls from July 2011 through the 2011-12 school year?

The parties participated in mediation on May 2. The matter did not settle during mediation. Hearing was scheduled for June 6. On June 1, Student's Attorney filed a written request that the matter be dismissed with prejudice pursuant to a settlement agreement between the parties.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.