

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Howard Klebanoff
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

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

This hearing was requested on December 6, 2004. This hearing officer was assigned to the case on December 7. A prehearing conference was held on December 15. The issue concerned a unilateral placement for the 2003-2004 school year. The current school was not in issue. The Parties believed that they could settle the case and requested one hearing date. A hearing date was agreed on for January 10, 2005. Witness lists and exhibits were due on January 3. The Board's witness list and exhibits were received on January 5. The Parents did not file any. On the afternoon of Friday, January 7, 2005, the Parents' attorney faxed a letter to the Hearing Officer in which he stated that the parties had reached a settlement. He requested a postponement of the January 10 hearing date for two weeks so that they could finalize and execute a settlement agreement. The Hearing Officer did not see this letter until after the close of business on January 7. On the morning of January 10, the Hearing Officer cancelled the hearing and advised the parties' attorneys by voice mail that the case would be dismissed.

FINAL DECISION AND ORDER

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