

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. State Department of Education

Appearing on behalf of the Parents: Attorney William Laviano
10 Plantation Park Drive
Bluffton, South Carolina 29910

Appearing on behalf of the Board: Attorney Lindsey Barbato
Office of the Attorney General
55 Elm Street – P.O. Box 120
Hartford, CT 06106

Appearing before: Attorney Deborah R. Kearns, Hearing Officer

ISSUES:

1. The parents filed this action naming the State Department of Education, claiming the state education agency (SEA) is responsible for a FAPE, despite a settlement agreement the reached between the local education agency and the parents. The settlement agreement, includes a provision that the local education agency had no further responsibility to provide FAPE for the student after the date provided in the agreement, even though the student had not yet attained the age of twenty-one years.

SUMMARY:

The matter was assigned on May 31, 2000. At a pre-hearing conference on June 2, 2000 the state claimed the action should be dismissed. The parties argued the motion to dismiss on June 14, 2000. Additional cases were provided to the hearing officer after the argument date and additional factual clarification was necessary to issue a decision on the motion to dismiss. When the parties were contacted to schedule additional hearing dates, the SEA declined to attend further proceedings. The moving party said they would notify the hearing officer of additional dates for hearing dates. There has been no further communication.

FINAL DECISION AND ORDER:

1. The matter is **dismissed** without prejudice.

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