

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Attorney Andrew A. Feinstein
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Appearing on behalf of the Board: Attorney Michael P. McKeon
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Appearing before: Attorney Mary H.B. Gelfman
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide Student with a free appropriate public education in the least restrictive environment in the school years 2004-2005 and 2005-2006, as detailed in the request for hearing dated August 25, 2006?
2. Are the Individualized Education Program (IEP) and placement offered for 2006-2007 appropriate to Student's special education needs?
3. Did Student need an extended school year in 2006?
4. If the Board's special education program has not been appropriate for Student in 2004-2005, 2005-2006, and/or 2006-2007, are compensatory educational services a reasonable remedy?
5. If the Board's 2006-2007 program is not appropriate to Student's special education needs, is an out-of-district placement appropriate?
6. If an out-of-district placement is necessary, is the Board responsible for funding that placement?

PROCEDURAL HISTORY:

This hearing was requested on August 25, 2006, and the hearing officer was appointed on August 28, 2006. At a pre-hearing conference by conference telephone call on September 27, 2006, the parties agreed to request mediation and therefore requested an extension of the deadline for the mailing of the final decision and order. That request was granted and the deadline was extended from November 8 to December 8, 2006. Hearing dates were set for November 2, 13, 15, 20 and 21, 2006. Although mediation held on October 16, 2006, was not successful in resolving the dispute, negotiations between the parties continued and each of the hearing dates was postponed by joint requests of the parties. The deadline for the decision was also extended again, to December 22, 2006. By letter dated November 16, 2006, the Board reported that agreement had been reached orally, and that the terms of the agreement were being reduced to writing. No further communication has been received from either party.

CONCLUSIONS OF LAW AND DISCUSSION:

1. Section 10-76(d), Connecticut General Statutes (CGS), authorizes an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 10-176e through 4-180a, inclusive, and Section 4-181a. Section 615(f)(1)(A) and 615(f)(3)(E), Individuals with Disabilities Education Improvement Act of 2004, also authorizes special education hearings.
2. Since there have been no communications from either party for thirty days, this matter will be dismissed for failure to prosecute, pursuant to Section 10-76h-18(a)(1), Regulations of Connecticut State Agencies.

FINAL DECISION AND ORDER:

This matter is DISMISSED without prejudice.

