

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Michael McKeon
Sullivan, Schoen, Campane
& Connon, P.C.
646 Prospect Street
Hartford, CT 06105-4286

Appearing before: Attorney Mary H.B. Gelfman
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the Individualized Education Program (IEP) and placement offered by the Board for 2006-2007 appropriate to Student's special education needs in the least restrictive environment?
2. If not, is placement at Eagle Hill Southport appropriate?
3. If placement at Eagle Hill Southport is appropriate, is the Board responsible for funding that placement?

PROCEDURAL HISTORY:

This hearing was requested on September 20, 2006, and this hearing officer was appointed on September 22, 2006. A pre-hearing conference by telephone conference call was held on October 12, 2006. At that time, it was reported that the parties were engaged in settlement negotiations and a hearing date was set for November 16, 2006, with the deadline for mailing the final decision and order December 5, 2006.

Because the negotiations had not been concluded successfully, the hearing convened on November 16 and the parties requested more time to attempt a settlement. The hearing

officer granted an extension of the deadline for the decision to January 4, 2007, and postponed the hearing to December 6. The parties again requested a postponement, which was granted to December 13, 2006.

On December 6, Parents' attorney reported that the agreement was being executed and that the request for hearing had been withdrawn.

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.

FINAL DECISION AND ORDER:

Because this matter has been settled, the case is DISMISSED without prejudice.

