

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent: Attorney Glenn W. Dowd
Attorney Eric L. Sussman
Day Pitney LLP
185 Asylum Street
Hartford, CT 06103

Appearing on behalf of the Board: Attorney Michelle C. Laubin
Bercham, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06877

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 at a Planning and Placement Team (PPT) meeting on October 6, 2006, appropriate to Student's special education needs in the least restrictive environment?
2. If not, are the prior March 31, 2006, IEP and placement appropriate to Student's special education needs?
3. Has the Board retaliated against the Parents as alleged in their January 11, 2007, letter?
4. Shall the hearing officer override the Parents' reluctance to consent to a comprehensive evaluation of Student at the Center for Children with Special Needs, and order such an evaluation?

PROCEDURAL HISTORY:

This hearing was requested on October 9, 2006, and the hearing officer was appointed on October 11, 2006. A pre-hearing conference was held by conference telephone call on October 23, 2006. At that time, the hearing was scheduled for December 5, 12 and 13,

2006, and the date for mailing of the final decision and order was extended from December 11, 2006, to January 10, 2007, to accommodate the additional hearing dates.

By letter dated November 14, 2006, Parents' attorney requested postponement of the hearing until "early in 2007" because the parties were engaged in settlement negotiations. The hearing officer granted that request, re-scheduling the hearing for January 18, 2007, and extending the deadline for the decision from January 10 to February 9, 2007.

On December 21, 2006, Parents' filed a motion to take depositions and the Board responded in opposition on January 5, 2007. The hearing officer denied Parents' motion on January 8, 2007.

By conference telephone call on January 15, 2007, attorneys for both parties requested a further postponement for mediation. The hearing was re-scheduled for March 2, 2007, and the deadline for the decision was extended to March 12, 2007. The hearing officer cautioned the parties that no further delays would be permitted.

The hearing convened on March 2 and continued on March 21 and 28, April 12, and May 14 and 22, 2007. Prior to reconvening on May 23, the parties requested time to pursue further settlement negotiations, which was granted. The matter was settled and Parents withdrew their request for hearing.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

This case centered on the amount and delivery of specific professional services and the assignment of Student, a six-year-old boy with Autism, to an elementary school within the school district.

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 4-176e 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:

The Parties have resolved their differences with a settlement agreement that includes the withdrawal of the request for hearing. Therefore, this case of DISMISSED without prejudice.

COMMENTS ABOUT THE CONDUCT OF THE HEARING, PURSUANT TO SECTION 10-76h(d)(1), Connecticut General Statutes

The attorneys for both parties are commended for their thoroughness, professional demeanor, and patience.