

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Berlin Board of Education

Appearing for the Student: Courtney Staron Spencer, Esq.  
Klebanoff & Alfano, PC  
433 South Main Street, Suite 102  
West Hartford, CT 06110

Appearing for the Board: Linda Yoder, Esq.  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, T 06103-1919

Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology)  
Hearing Officer

**FINAL DECISION AND ORDER**

By letter from Ms. Spencer dated June 26, 2007 (the "Request") to the Board (care of its Pupil Personnel Services Director) and to the Connecticut Department of Education ("CTDOE," care of Mr. Badway), the Parents requested a due process hearing on behalf of the Student, who is over the age of 18 years. The Request states that the Student has a diagnosis of "Visual Impairment," and that at an IEP meeting on November 27, 2006, the District denied a request for a Board-supported placement for the Student at the Perkins School for the Blind for the summer of 2007 and for the 2007/2008 school year. This due process hearing was commenced to obtain a Board-supported placement of the Student at the Perkins School for the summer of 2007 and the 2007/2008 school year, pursuant to the IDEIA, 20 U.S.C. §§ 1400, *et seq.*, Section 504 of the Rehabilitation Act, 29 U.S.C. § 794(a) and Conn, Gen. Stat. §§ 10-76, *et seq.*

The undersigned was appointed to this matter by the CTDOE by notice dated June 28, 2007. No sufficiency challenge or answer was filed. The parties did not report whether or when a resolution meeting was convened. The Hearing Officer presumes that Ms. Spencer is appearing for and representing the Student, who is over age 18 years.

On August 3, 2007, the Hearing Officer contacted Ms. Spencer and the Board's counsel (Ms. Yoder) to arrange the telephonic pre-hearing conference ("PHC"). Ms. Spencer advised that the parties had reached an agreement to resolve their dispute and were working to complete the documentation of that agreement for execution. To allow the parties an opportunity to complete their settlement, the PHC was scheduled for August 15, 2007 as reflected in the August 7, 2007 Notice of Pre-Hearing Conference. On August 15, 2007, Ms. Spencer reported that the

parties had not yet completed the settlement documentation. To allow the parties a further opportunity to complete their settlement, the Hearing Officer continued the August 15, 2007 PHC to August 28, 2007 at 10:00 a.m. By Second Notice and Order dated August 17, 2007, the PHC was scheduled for August 28, 2007, an initial hearing date was set for August 30, 2007 and September 5, 2007 was identified as the date for issuance of a Final Decision and Order.

On August 23, 2007, Ms. Spencer reported that this matter was being withdrawn with prejudice because the parties had reached a settlement agreement. On August 26, 2007, the Hearing Officer advised the parties that all scheduled dates stated in the August 17, 2007 Second Notice and Order were cancelled.

This matter is hereby DISMISSED.