

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on Behalf of the Parents: Courtney P. Spencer, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Ste. 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Susan C. Freedman, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the Program offered by the Board for the 2006-2007 school year, provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2. Did the program at Island View School offer the Student FAPE in the LRE?
3. Should the Board be required to pay for the unilateral placement of the Student at Island View School for the 2006-2007 school year?
4. Did the Student require a summer program for the summer of 2006 in order to receive FAPE?
5. Should the Board reimburse the Parents for the unilateral placement of the Student at Island View School for the summer of 2006?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

This matter was heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administration Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

The Student is a 18 year young woman who has been identified as Other Health Impaired ADD/ADHD and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq.

and Connecticut General Statute §10-76a. At a June 16, 2006 PPT, the Parents rejected the program offered by the Board for the 2006-2007 school year and requested that the Board pay for the Student's placement at Island View School for the 2006 -2007 school year and the summer of 2006. The Board denied the Parents' request and the Parents requested a due process hearing. The Board received notice of the request for due process on or about July 20, 2007.

On July 20, 2007 an impartial hearing officer was appointed. A pre-hearing conference was held on July 26, 2007 and a hearing date of September 25, 2007 was chosen by the parties.

The Board filed a timely Motion to Dismiss and the Parents' attorney responded with a timely Objection to the Motion to Dismiss. In order to decide the Motion to Dismiss further information was requested of the parties.

The parties held a mediation session on September 20, 2007 and notice was sent to the hearing officer that the parties failed to resolve the matter. The Parents' attorney requested that the September 25, 2007 hearing date be cancelled so that the parties may continue mediating the matter. An October 26, 2007 hearing date was chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the matter had been settled.

The parties requested an extension of the decision and order date in order to conduct mediation and publish the agreement.

The date for the Final Decision and Order is November 5, 2007.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.