

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. East Hampton Board of Education

Appearing on Behalf of the Parents: Howard Klebanoff, Esq.
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West Hartford, CT 06110

Appearing on Behalf of the Board: Mark J. Sommaruga, Esq.
Sullivan, Schoen & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105-4286

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student a student eligible to receive special education and related services as a student identified as Other Health Impaired (OHI) or Emotionally Disturbed (ED) as defined in the Individuals with Disabilities in Education Act (IDEA) 20 U.S.C. §§ 1401 et seq?
2. Was the program offered by the Board from January 2007 until June 2007 appropriate and provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2007-2008 school year, appropriate and provide the Student with a free and appropriate public education (FAPE) according to 20 U.S.C. §§ 1401 et seq? If not;
4. Is the program at New Haven School in Provost, Utah appropriate and offer the Student FAPE in the LRE?
5. Should the Board be required to reimburse the Parents for the unilateral placement of the Student at New Haven School in Provost, Utah from January 2007 to June 2007?
6. Should the Board be required to pay for the unilateral placement of the Student at New Haven School in Provost, Utah for the 2007-2008 school year?

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 16 year old young woman who has not been identified as a student who 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 May 15, 2007 PPT, the Parents rejected the program offered by the Board for the 2007-2008 school year and requested that the Board identify the Student as OHI or ED and pay for the Student’s placement at New Haven School in Provost, Utah for the 2007-2008 school year. 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 22, 2007 and mediation was held by the parties on September 20, 2007.

On July 24, 2007 an impartial hearing officer was appointed. A pre-hearing conference was held on August 7, 2007 and a hearing date of September 27, 2007 was chosen by the parties.

At the September 20, 2007 mediation session the parties reached an agreement and advised the hearing officer that the matter had been settled and the parties needed time to memorialize the agreement. On or about October 10, 2007, the parties having memorialized the agreement withdrew the matter with prejudice.

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

The mailing date for the Final Decision and Order is November 7, 2007.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.