

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. North Haven Board of Education

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

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. 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;
2. Is the program at Ben Bronz Academy appropriate and offer the Student FAPE?
3. Should the Board be allowed to perform speech and language evaluations of the Student?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

This matter was presented as a contested matter 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 Administrative Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

The Student is a 12 year old child who has been identified as Other Health Impaired 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 July 26, 2007 PPT, the Parents rejected the program offered by the Board for the 2007-2008 school year and requested that the Board pay for the Student’s placement at Ben Bronz Academy 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 August 14, 2007.

On August 17, 2007 an impartial hearing officer was appointed. A pre-hearing conference was held on August 29, 2007 and hearing dates of September 26, October 10 & 18, 2007 were chosen by the parties. At the September 26, 2007 hearing, the parties settled the matter and advised the hearing officer that they needed time to memorialize the agreement. The parties having memorialized the agreement withdrew the matter with prejudice.

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

The date for filing of the Final Decision and Order is January 3, 2008.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.