

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Howard Klebanoff, Esq.  
Appearing on behalf of the Board: Marsha Belman Moses, Esq.  
Appearing before: Mary H.B. Gelfman, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Are the Individualized Education Program (IEP) and placement proposed by the Board for the 2008-2009 school year appropriate to the Student's special education needs in the least restrictive environment?
2. If not, is placement in an out-of-district therapeutic milieu, such as the Lorraine Foster School, appropriate?
3. Is the Board responsible for funding an out-of-district placement in a therapeutic milieu?

**PROCEDURAL HISTORY:**

This hearing was requested on July 21, 2008, and the Hearing Officer was appointed on July 24, 2008. A pre-hearing conference by conference telephone call was held on September 5, 2008, and the hearing was scheduled for October 7, 2008. The date for mailing the decision was set for November 3, 2008, to provide for settlement negotiations between the parties. The parties informed the Hearing Officer on September 23, 2008, that a tentative settlement had been reached, and requested additional time to up-date psychiatric information about the Student. The Hearing Officer re-scheduled the hearing to October 28, and later to November 18, 2008, and extended the decision date to December 3, 2008. By letter dated November 5, 2008, the Parents notified the Hearing Officer that the settlement had been finalized and withdrew their request for hearing.

**CONCLUSIONS OF LAW:**

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize 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 Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

**FINAL DECISION AND ORDER:**

There being no issues remaining in dispute between the Parties and the request for hearing having been withdrawn, this matter is DISMISSED without prejudice.