

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Lawrence W. Berliner, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

Peter J. Murphy, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Student eligible for special education either as Other Health Impaired (OHI) or as Seriously Emotionally Disturbed (SED) when the Planning and Placement Team (PPT) met in April, 2007?
2. If so, did the Board PPT offer an Individualized Education Program (IEP) and placement appropriate to the Student's needs?
3. If the Board's placement for 2008-2009 was not appropriate to the Student's needs, was the Parent's unilateral placement of the Student at Rock Point School appropriate to his needs?
4. Is the Board responsible for funding the Student's 2008-2009 placement at Rock Point School?
5. Did the PPT consider the Parent's concerns regarding a free appropriate public education (FAPE) for the Student, or did the PPT deny the Student FAPE?

PROCEDURAL HISTORY:

This hearing was requested on September 8, 2008, and the Hearing Officer was appointed on September 9. A pre-hearing conference by conference telephone call was held on October 15, and the hearing was scheduled for November 6, 13, 17, and 19. Both Parties were represented. The mailing date for the final decision and order was November 22, extended to December 22 at the request of the Parties, because of the need to accommodate the additional hearing dates.

By letter dated October 24, 2008, a different attorney filed a notice of appearance for the Board. By letter dated October 28, this attorney requested that the first hearing date, November 6, be postponed to provide time for preparation. On October 29, the Hearing Officer granted that request and scheduled the first day of the hearing for November 13.

By letter dated November 6, 2008, the Parties requested a 30-day extension of the hearing to permit settlement negotiations. The Hearing Officer granted the requested extension of the mailing date, to January 21, 2009. She also cancelled the November hearing dates and rescheduled the hearing to December 15, 2008.

By letter dated December 11, 2008, Parent's Attorney notified the Hearing Officer that the case had been settled and the request for hearing withdrawn.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The Parent requested that the Board identify the Student as in need of special education and fund the cost of a unilateral placement.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

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:

The dispute between the Parties having been settled and the request for hearing withdrawn, this case is DISMISSED.