

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

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Appearing on behalf of the Board:

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Appearing before:

Mary H.B. Gelfman, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the May 2011 Individualized Education Program (IEP) with placement at Easton Country Day School (ECDS) provide the Student with a free appropriate public education in the least restrictive environment?
2. Were the modifications made to the Student's IEP at a Planning and Placement Team (PPT) meeting held on January 30, 2012, appropriate to his special education needs?
3. In January, 2012, was the Student's then-current placement at ECDS no longer appropriate to his special education needs, as reported to the Board by ECDS?
4. If placement at ECDS is no longer appropriate to his special education needs, is placement at Devereaux Glenholme School, Cedarhurst School or Arch Bridge School an appropriate special education placement for the Student?
5. Has the May 2011 IEP been changed outside of the PPT process by a proposed change in OT providers and reduction of services at ECDS?
6. Was the extended school year (ESY) program offered by the PPT for 2011 appropriate to the Student's special education needs?
7. Has the Board provided copies of the Student's current IEP to those persons providing direct IEP services to him?
8. Is participation in a PPT meeting by telephone permitted in Connecticut?

PROCEDURAL HISTORY:

This hearing was requested by Parent on February 14, 2012. The Hearing Officer was appointed on February 16, 2012. The original date for mailing the decision was April 30, 2012.

By letter dated February 20, 2012, the Board moved to strike some of the issues included in the request for hearing. The Hearing Officer responded on February 23, 2012, striking issues that were outside of her jurisdiction and proposing issues to be discussed at the pre-hearing conference.

Included in the request for hearing was a request for an order concerning Student's "stay put" status pending the conclusion of the hearing, pursuant to 34 C.F.R. §300.518 (a) and Section 10-76h-17, Regulations of Connecticut State Agencies. The Hearing Officer responded on February 24, 2012, ordering that the Student's placement at ECDS be supported by the Board pending the conclusion of this hearing.

A pre-hearing conference was held on March 1, 2012. At that time, the Parties reported that they had agreed to waive the resolution meeting and request mediation from the State Department of Education. The issues developed at this conference were modified and agreed to on March 3, 2012, and revised again on March 30, 2012.

The hearing was scheduled for March 27 and April 11, 12 and 25, 2012. The hearing convened on March 27 and April 11 and 12, 2012. On April 12, the Parties agreed to: 1) switch hearing dates with this student's sibling's hearing dates; 2) request an extension of the decision date from April 30 to May 30, 2012; and 3) file briefs in lieu of closing arguments at the conclusion of the hearing.

The April 25 hearing session was cancelled and hearing sessions for May 3 and 21 were scheduled. The decision date was extended to June 29 to accommodate the briefing schedule. On May 1, the Hearing Officer was notified that Parent's Attorney had been injured and requested that the May 3 hearing session be postponed. On May 3, the hearing was scheduled to continue on May 21 and 23, 2012. In response to requests from the Parties, the Hearing Officer adjusted the briefing dates and extended the decision date to June 29, 2012. The hearing convened on May 21, 2012. At that time, the Parties requested that the hearing session scheduled for May 23 be postponed and agreed to re-schedule what was to be the last day of the hearing to June 11, 2012. On May 29, 2012, the Board notified the Hearing Officer that one of the Board's witnesses would not be available on June 11. In response, the Hearing Officer postponed the hearing session to July 16, 2012. To accommodate this change, the decision date was extended to August 24, 2012.

The Hearing Officer received notice that Parent's attorney had withdrawn from the case and a new attorney filed an appearance on June 25, 2012. On July 9, 2012, this new attorney requested a postponement because of a court date on July 16. The Hearing Officer granted this postponement and the last day of the hearing was set for September 11, 2012.

On August 22, 2012, Parent's Attorney notified the Hearing Officer that the case had been settled and requested that it be dismissed with prejudice.

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

SUMMARY:

The Board placed the Student at ECDS in 2006 and has continued that placement each year since. A contractual disagreement between the Board and ECDS arose in the fall of 2011. After ECDS announced an intent to reduce services provided to Student, the Board proposed alternative placements. Parent, preferring to continue the ECDS placement, requested this hearing.

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.

FINAL DECISION AND ORDER:

The issues in dispute having been settled and the request for hearing having been withdrawn, this matter is DISMISSED with prejudice.