

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Andrew Feinstein, Esq.
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board:

Michelle Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the Individualized Education Program (IEP) and placement offered by the Board for the school year 2011-2012, including the extended school year program in the summer of 2010, appropriate to the special education needs of the Student in the least restrictive environment?
2. If not, is placement at the Speech Academy appropriate to the Student's special education needs?
3. Is the Board obligated to fund Student's placement at the Speech Academy for the summer of 2011 and the 2011-2012 school year?

PROCEDURAL HISTORY:

This hearing was requested by Parents on June 6, 2011. The Hearing Officer was appointed on June 8, 2011. The date for mailing the decision was August 20, 2011.

A pre-hearing conference was held on June 23, 2011. At that time, the Parties reported that they had participated in mediation, but the dispute was not resolved. The hearing was scheduled for August 4, 16, 17 and 18, and September 7, 13 and 15, 2011. The Parties requested an extension of the decision date to accommodate the additional hearing dates.

The Parents informed the Hearing Officer that the case had been settled on July 28, 2011, and asked that the August 4 hearing session be cancelled; that request was granted. The Parents notified the Hearing Officer on August 4, 2011, that the settlement had been executed and the request for hearing had been withdrawn.

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

SUMMARY:

The Student is seriously disabled. Parents requested, and were granted funding for independent evaluations. Given the results of these evaluations, Parents requested placement of the Student at the Speech Academy, a private school for students with disabilities. When the Board denied funding of that placement, the Parents placed the Student there unilaterally and filed for a special education 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 dispute having been settled and the request for hearing having been withdrawn, this case is DISMISSED with prejudice, as requested by the Parties.