

January 25, 2011

Final Decision and Order 11-0155

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

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

Appearing on behalf of the Board:

Attorney Abby R. Wadler  
Assistant Town Attorney  
101 Field Point Road  
Greenwich, CT 06830

Appearing before:

Mary H.B. Gelfman, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Planning and Placement Team (PPT) consider documentation provided by Parents, including a 2009 evaluation and records from a private school, when considering whether Student is eligible for special education?
2. Did the PPT properly determine that Student was not eligible for special education?
3. Did this decision deny Student access to a free appropriate public education?
4. Did the PPT wrongly deny funding for Student's placement at Harvey School?
5. Is Student entitled to compensatory educational services?
6. Is the Board responsible for reimbursing Parents for the cost of Student's placement at Harvey School?

### **PROCEDURAL HISTORY:**

This hearing was requested by Parents on October 12, 2010. The Hearing Officer was appointed on October 18, 2010. The date for mailing the decision was December 26, 2010.

A pre-hearing conference was held on October 26, 2010. At that time, the Parties reported that a resolution meeting was being scheduled. The hearing was scheduled for November 30 and December 15, 2010, and January 4, 7, 12, and 14, 2011. To accommodate the additional days of hearing requested by the Parties, the mailing date for the decision was extended to January 25, 2011.

On November 24, 2010, the Parties requested that the November and December hearing dates be postponed to accommodate settlement negotiations. The Hearing Officer granted that request. On December 23, 2010, the Parties notified the Hearing Officer that a settlement had been reached and that the January 4 and 7, 2011 hearing sessions should be postponed: the Hearing Officer granted that request. On January 6, 2011, the Parties notified The Hearing Officer that an agreement was awaiting signatures of the Parties and asked that the hearing session scheduled for January 12 and 14, 2011 be cancelled. The Hearing Officer granted that request. Having had no further communication, the Hearing Officer emailed the Parties on January 14, 2011, warning them that if she didn't have a response by January 20, 2011, she would dismiss the case. On January 20, 2011, the Parents withdrew their request for hearing.

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

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 resolved and the request for hearing having been withdrawn, this matter is DISMISSED.