

**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:

Susan C. Freedman, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
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Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board's 2010-2011 Individualized Education Program (IEP) and special education placement deny the Student a free appropriate public education in the least restrictive environment?
2. If so, is placement at Eagle Hill Southport appropriate to the Student's special education needs in the least restrictive environment?
3. Is the Board responsible for reimbursing Parents their documented cost for the unilateral placement at Eagle Hill Southport, and further funding of the placement and transportation?

PROCEDURAL HISTORY:

This hearing was requested by Parents on November 16, 2010, and the Hearing Officer was appointed on the same day. The date for mailing the decision was January 30, 2011. A pre-hearing conference was held on December 1, 2010. At that time, the Parties reported that they had agreed to waive the resolution meeting and request mediation from

the State Department of Education. Mediation was scheduled for December 16, 2010, and January 25, 2011. The Parties requested that the decision date be extended to accommodate mediation; that request was granted by the Hearing Officer, and the decision date was extended to March 2, 2011.

The hearing was scheduled for January 25 and February 7, 2011. The January date was postponed to accommodate mediation, and the February date was postponed to accommodate further negotiations. The Parents withdrew their request for hearing on February 18, 2011, after an agreement had been executed.

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

SUMMARY:

The Parents believed that the services provided for Student had not been adequate, objecting to his placement in Scientific Research-Based Intervention (SRBI) in first grade. He had then been referred for a special education evaluation in February of that school year and found to be eligible for special education as learning disabled. Parents rejected the IEP offered by the Board and unilaterally enrolled the Student at Eagle Hill Southport at the beginning of his second grade year.

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 withdrawn, this matter is **DISMISSED**.