

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:	Lawrence Berliner, Esq. Law Office of Lawrence W. Berliner, LLC 1720 Post Road East, Suite 214E Westport, CT 06880
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:

Parents' Issues:

1. Was the Student correctly identified by the Board's Planning and Placement Team (PPT) as Other Health Impaired (OHI), based on diagnoses of ADHD and a Conduct Disorder?
2. Did the Individualized Education Programs (IEPs) offered by the Board for the Student, subsequent to a December 2010, diagnosis, for 2010-2011, Extended School Year (ESY) 2011, and 2011-2012, provide for a free appropriate public education (FAPE) for the Student?
3. If not, is the Connecticut Center for Child Development (CCCD) an appropriate placement for the Student?
4. Is the Board responsible for reimbursing/funding placement at CCCD for the Student for 2010-2011, ESY 2011 and 2011-2012, upon receipt of appropriate documentation?
5. Is the Board responsible for reimbursing the Parents for the documented cost of evaluations of the Student by Dr. Meinhold and Ms. Rohdie?
6. Should the Student be awarded compensatory educational services?

Board's Issues:

7. Is the IEP for the 2011-2012 school year ripe for hearing, in that the PPT has not yet proposed an IEP or placement, pending the completion of evaluations?
8. Did the Parents refuse consent for evaluations requested by the PPT in December 2010, effectively denying the PPT access to information needed to develop appropriate placement options for Student?

PROCEDURAL HISTORY:

This hearing was requested by the Parents on July 5, 2011. The Hearing Officer was appointed on July 14, 2011. The date for mailing the decision was September 18, 2011.

A pre-hearing conference was held on July 26, 2011. At that time, the Parties reported that a resolution meeting was held on July 14, 2011. The hearing was scheduled for September 8, 12, 19 and 20 and October 12, 13 and 18, 2011. The Parties requested an extension of the decision date to accommodate the additional hearing dates: that request was granted, and the decision date was extended to October 18, 2011.

By email dated September 2, 2011, the Parties reported that they were engaged in settlement negotiations and requested that the September hearing dates be postponed. That request was granted. On September 14, 2011 Parents' Attorney notified the Hearing Officer that the settlement agreement had been executed and the Parents' request for a hearing had been withdrawn.

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 Parties having reached an agreement and the request for hearing having been withdrawn, this matter is DISMISSED with prejudice.