

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wilton Board of Education

Appearing on behalf of the Parent:

Howard Klebanoff, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on behalf of the Board:

Lawrence J. Campana, Esq.
Sullivan, Shoen, Campana
& Connon, LLC
646 Prospect Avenue
Hartford, CT 06105-4286

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 appropriate to Student's special education needs in the least restrictive environment?
2. If not, is placement at Windward School in White Plains, NY, appropriate to Student's special education needs?
3. Is the Board responsible for funding the cost of Student's 2005-2006 school year at Windward School?

PROCEDURAL HISTORY:

This hearing was requested on May 23, 2006 and the deadline for mailing the final decision and order is August 8, 2006. The hearing officer was appointed on May 24, 2006, and a pre-hearing conference was held on June 9, 2006. The hearing was scheduled for July 12 and 13. When the hearing convened on July 12, the parties informed the hearing officer that they had reached a settlement in principle: they requested that the July 13 session be cancelled and stated that when the settlement had been executed the request for hearing would be withdrawn. Having had no further

communication, the hearing officer warned the parties that the matter was due and would be dismissed on August 8, 2006.

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

SUMMARY:

Student has been unilaterally placed at Windward School by his parents. Parents seek reimbursement for this placement, claiming that the Board's program was not appropriate to the special education needs of Student. The Board continues to support its program.

To the extent that the procedural history, summary, and findings of fact actually represent conclusions of law, they should be so considered, and vice versa. *Bonnie Ann F. v. Calallen Independent School District*, 835 F. Supp. 340, 20 IDELR 736 (S.D. Tex. 1993).

CONCLUSIONS OF LAW AND DISCUSSION:

1. Section 10-76(d), Connecticut General Statutes (CGS), authorizes an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 10-176e through 4-180a, inclusive, and Section 4-181a. Section 615(f)(1)(A) and 615(f)(3)(E), Individuals with Disabilities Education Improvement Act of 2004, also authorizes special education hearings.

2. The June 9, 2006, memorandum concerning the pre-hearing conference held the same day included the following:

If the parties reach an agreement to settle this matter, please notify the hearing officer immediately in writing. If the request for hearing is to be withdrawn, the party who requested the hearing must submit that request in writing. If the parties fail to respond to communications from the hearing officer, this matter may be DISMISSED.

FINAL DECISION AND ORDER:

This matter is DISMISSED.