

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Suffield Board of Education

Appearing for the Student: Howard Klebanoff, Esq.
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Appearing for the Board: Linda Yoder, Esq.
Shipman & Goodwin LLP
One Constitution Plaza
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Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology)
Hearing Officer

FINAL DECISION AND ORDER

By letter dated September 27, 2007 to the Board's Director of Pupil Services and received by the CT Department of Education (the "Department") on October 1, 2007, the Parents commenced this due process proceeding pursuant to the Individuals with Disabilities Education Improvement Act, 20 U.S.C. §§ 1400, *et seq.* (the "IDEIA") and Conn. Gen. Stat. §§ 10-76, *et seq.*, seeking: (1) a finding that their son, the Student, is eligible to receive special education and related services under the IDEIA; (2) an order directing that the Board pay for the costs of the Student's placement at the Silverado Ranch (a residential facility) in the 2006/2007 school year; and (3) an order directing that the Board pay for the costs of the Student's placement at the Silverado Ranch for the 2007/2008 school year. The undersigned was appointed Hearing Officer in this matter on October 4, 2007.

A telephonic pre-hearing conference ("PHC") was held on October 16, 2007. The Board participated through its counsel (Ms. Yoder) and the Parents participated through their counsel (Mr. Klebanoff). The Board's counsel advised that the Board would not assert a sufficiency challenge. The parties reported that they had agreed to pursue a mediation of their dispute. By agreement of the parties, an initial procedural schedule was established as follows: The date for mailing of the Final Decision and Order was set at January 14, 2008, subject to modification. Dates were established for the submission of records and witness lists to support an initial hearing date of December 18, 2007 and a second hearing date of December 20, 2007 with additional hearing dates to be scheduled as necessary. All of these dates reflected the agreement of the parties that pursuant to Reg. Conn. State Agencies § 10-76h-9(e), the date for mailing of the Final Decision and Order be extended by 30 days to permit the parties an opportunity to undertake a Department-sponsored mediation of their dispute. The Board did not file an answer and

reserved the right to do so should the mediation be unsuccessful and this matter proceed to a litigated outcome.

Subject to refinement, the issues set for hearing are as stated in the September 27, 2007 request for due process:

1. Is [Student] a student who should be identified for special education and related services under IDEIA and [Conn. Gen. Stat. §§] 10-76?
2. Did the Suffield Public Schools provide a Free Appropriate Public Education for [the Student] during the 2006-2007 school year? Did the Suffield Public Schools provide a Free Appropriate Public Education during the 2007-2008 school year?
3. If not, is Silverado Ranch an appropriate special education placement for the 2006-2007 school year?¹
4. Are the Suffield Public Schools responsible for the cost of [the Student's] placement for the 2006-2007 school year? Are the Suffield Public Schools responsible for the cost of [the Student's] placement for the 2007/2008 school year?

A CTDOE-sponsored mediation convened on November 26, 2007. The CTDOE advised that the parties had reached an agreement in principle. On December 14, 2007, counsel for the Parents advised that "although a [written] agreement has not been executed, I believe this matter is fully resolved" and may be dismissed without prejudice. The Board's counsel did not express any disagreement with that statement. It is the Hearing Officer's preference to await complete and final execution of settlement documentation so that a matter that has been settled may be dismissed with prejudice. Accordingly, the Hearing Officer extended the date for mailing of the Final Decision and Order until January 18, 2008 to permit the parties to complete the documentation and execution of their settlement agreement. Between January 15-17, 2008, the parties advised that they had in fact reached a settlement and that receipt of the fully executed documentation had been delayed but was expected to be completed. The parties have not reported anything further regarding this matter. In light of the representations of counsel, it is hereby ORDERED:

1. The date for mailing the Final Decision and Order is extended until February 12, 2008.
2. This matter is DISMISSED.

¹ Although not stated in the September 27, 2007 request, based on the relief requested as stated in the request the Hearing Officer assumes that this particular issue was intended to include the 2007/2008 school year, and the parties were directed to proceed accordingly unless the Parents advised otherwise.