

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Cromwell Board of Education

Appearing for the Student: Howard Klebanoff, Esq.
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West Hartford, CT 06110

Appearing for the Board: Craig S. Meuser, Esq.
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology),
Hearing Officer

FINAL DECISION AND ORDER

(October 17, 2008)

This matter was commenced by request for due process dated July 26, 2008 by the Parents on behalf of the Student, who was described as a high school student with autism. Assuming that the Board received the due process complaint on July 26, 2008, the date for mailing of the Final Decision and Order would have been October 14, 2008 (absent modification by the Hearing Officer).

The due process complaint alleged a denial of a FAPE within the meaning of the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, *et. seq.* (the "IDEIA"), with respect to the 2006/2007, 2007/2008 and 2008/2009 school years. The undersigned was assigned as Hearing Officer by notice dated July 28, 2008. After commencing this due process proceeding, the Parents retained Mr. Klebanoff as counsel. In response to a request of the Hearing Officer to convene a pre-hearing conference ("PHC") for August 14, 2008, the Student's counsel advised that his office was not prepared to proceed with a PHC as it had only just been retained and did not have records that had previously been requested from the Board. Both parties reported that they had agreed to pursue a mediation and agreed to defer convening the PHC at that time. On September 6, 2008, the parties reported that although they had agreed to two mediation dates in late September they had been advised that the Department had no mediators available on either date. Counsel for the Board reported that the parties had agreed to convene an "informal resolution meeting" as well. On September 23, 2008, the Hearing Officer was advised that a Department-sponsored mediation would convene on October 8, 2008. By notice dated September 27, 2008, the Hearing Officer (1) directed that if the parties were unable to resolve their dispute through that mediation, a PHC would be convened on October 14, 2008 and (2) extended the date for mailing of the Final

Decision and Order from October 14, 2008 to and including November 14, 2008, subject to further modification. No answer was filed in this matter.

On October 8, 2008, the Hearing Officer was advised that the parties had agreed upon the terms of a settlement and executed a settlement agreement. The Hearing Officer was advised further that by agreement, the “[P]arents’ claims regarding the 2006/2007 and 2007/2008 school shall be dismissed with prejudice and that claims for the 2008/2009 year shall be dismissed without prejudice.”

THIS MATTER IS DISMISSED in accordance with the agreement reached by the parties as reported in the letter of October 8, 2008 from the Student’s counsel. The Hearing Officer has not reviewed and makes no determination herein as to the settlement agreement and is not otherwise entering any order regarding the settlement agreement.