

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on Behalf of the Parent: Attorney Nora A. Belanger
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Appearing on Behalf of the Board: Attorney Michelle C. Laubin
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Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the Individualized Education Program (IEP) and placement offered by the Board for the 2008-2009 school year appropriate to the Student's special education needs in the least restrictive environment?
2. If not, is placement at Connecticut Center for Child Development (CCCD) appropriate to the Student's needs?
3. If placement at CCCD is appropriate, is the Board responsible for funding the placement?
4. Did the Board make procedural errors that prevented the Parents from meaningful participation in the Planning and Placement Team (PPT) process?
5. Shall the Board be required to reimburse the Parents for their documented expenses for evaluations, observations, and consultations by experts?
6. Does the Student require direct speech services?

PROCEDURAL HISTORY:

This hearing was requested on November 9, 2008, and the hearing officer was appointed on November 12, 2008. A pre-hearing conference was held on December 16, 2008, and the hearing was scheduled for February 4 and 5, 2009. Subsequently, the Parties requested time for mediation, so the hearing officer postponed the hearing to March 9 and 11, 2009, and extended the date for the mailing of the decision from January 23, 2009 to February 22, 2009. The mediation was scheduled for January 5, 2009, and the hearing officer extended the mailing date for the decision from February 22, 2009 to March 24, 2009.

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

SUMMARY:

The Student has Autism and has been attending a private day school placement, CCCD, for several years. The Board has proposed a program and placement within the school district, but the Parents preferred to have the Student continue at CCCD. On the first day of the hearing, the Parties reached a settlement and the request for hearing was withdrawn.

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.

CONCLUSIONS OF LAW:

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

FINAL DECISION AND ORDER:

Since the Parties have reached a settlement that resolves all issues and the request for hearing has been withdrawn, this matter is DISMISSED with prejudice.