

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Canton Board of Education

Appearing on behalf of the Parents: Attorney Howard Klebanoff  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102  
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Mark J. Sommaruga  
Sullivan, Schoen & Connon, LLC  
646 Prospect Avenue  
Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should the Board have identified the Student as eligible for special education and related services in the two-year period prior to the end of the 2008-09 school year?
2. If so, should the Board be required to place the Student at Watkinson School inclusive of tuition and transportation as requested by the Parents at the June 11, 2009 Planning and Placement Team meeting?

**PROCEDURAL HISTORY:**

The Parents' attorney mailed a letter to the State Department of Education requesting a due process hearing. The Board received a copy of the letter on October 7, 2009. This Hearing Officer was assigned to the case on that date. On October 14, 2009 the Board's attorney filed an appearance. A prehearing conference was held on October 26, 2009. The attorneys reported that mediation was scheduled on November 4, 2009. A hearing date was agreed on for November 18, 2009. The mailing date for the final decision was set at December 21, 2009. On November 5, 2009, the Board's attorney filed a joint request for a 30-day postponement of the hearing date and extension of the mailing date for the final decision so that the parties could continue settlement discussions. The request was granted, the hearing was rescheduled for December 21, 2009 and the mailing date for the final decision was extended to January 14, 2010. On December 3, 2009, the Parents' attorney filed a joint request for a postponement of the hearing date until mid-January and extension of the mailing date for the final decision in order to obtain information needed to resolve the matter. The request was granted, the hearing was scheduled to convene on January 13, 2010 and the mailing date for the final decision was extended to February 8, 2010. On December 30, 2009, the Board's attorney filed a joint request for a one or two-week

postponement of the hearing date and extension of the mailing date for the final decision so that the parties could meet on January 7, 2010 to discuss the information obtained on December 29, 2009. The request was granted, the hearing was rescheduled for February 1, 2010 and the mailing date for the final decision was extended to February 25, 2010. On January 19, 2010, the Parents' attorney advised the Hearing Officer that the parties had reached a settlement at mediation on January 13, 2010 that the preparation of the settlement agreement required additional time and that he was withdrawing the due process request without prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed without prejudice.