

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Attorney Marisa Mascolo
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433 South Main St., Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad St.
Milford, CT 06460

Appearing before:

Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the Individualized Education Program (IEP) and placement at the Board's High School offered by the Board to Student for 2010-2011 appropriate to his special education needs in the least restrictive environment?
2. If not, is the placement initiated by his Parents at Cheshire Academy Roxbury Learning Program appropriate?
3. If placement at Cheshire Academy is appropriate, is the Board responsible for reimbursing Parents for the cost of such placement and for transportation of Student to this placement?

PROCEDURAL HISTORY:

This hearing was requested by Parents on October 6, 2010. The Hearing Officer was appointed on October 7, 2010. The date for mailing the decision was December 20, 2010, and that was extended to January 19, 2011, to accommodate hearing dates of December 13, 20 and 21, 2010, and January 5 and 6, 2011.

A pre-hearing conference was held on October 25, 2010. At that time, the Parties reported that a resolution meeting was scheduled for November 9, 2010. The Parties notified the Hearing Officer on November 30, 2010, that the matter had been settled and the request for hearing was withdrawn by Parents.

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

SUMMARY:

Parents unilaterally placed their fourteen year old son at Cheshire Academy Roxbury Learning Center and requested that the Board fund that placement and provide transportation.

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:

The case has been settled and no issues remain in dispute. The request for hearing has been withdrawn, and therefore this matter is DISMISSED.