

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. District Board of Education

Appearing on Behalf of the Parents: Attorney Lawrence Berliner
 Klebanoff & Alfano, P.C.
 433 South Main St., Ste.103
 West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Michele Laubin
 Berchem, Moses & Devlin, P.C.
 75 Broad Street
 Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program for the 2007-2008 school year appropriate and did it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)?
2. Is the program offered by the Board for the 2008-2009 school year appropriate and did it provide the Student with FAPE in the LRE? If not
3. Is the unilateral placement of the Student at Kildonan School for the 2008-2009 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Should the Board reimburse the Parents for their unilateral placement of the Student at Kildonan School for the 2008-2009 school year?
5. Is the Student entitled to Compensatory Education for the procedural violation and the violation of Child Find which denied the Student FAPE during the 2007-2008 school year?
6. Is the Student entitled to Compensatory Education for the procedural violation and the violation of Child Find which denied the Student FAPE during the 2008-2009 school year?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

This matter was heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administration Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

The Student is a 16 year and 11 months old man who has been identified with Specific Learning Disability and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the January 6, 2009 PPT meeting, the Parents requested that the Student be placed at Kildonan School. The Board denied the Parents' request and the Parents requested due process. The Board received notice of the request for due process on March 18, 2009 and the parties opted to go to mediation rather than a resolution meeting. At the mediation session of June 12, 2009, the parties failed to reach an agreement.

An impartial hearing officer was appointed on March 18, 2009 and a pre-hearing conference was held on April 14, 2009. Hearing dates of June 10, 2009 and June 11, 2009 were chosen by the parties. On or about May 19, 2009, the parties requested that the hearing dates be cancelled since the parties had a mediation date of June 12, 2009. The parties agreed to a July 21, 2009 hearing date. On or about June 30, 2009 the parties advised the hearing officer that the parties had reached a tentative agreement and requested that the hearing date be cancelled and an extension of time in order to finalize and sign the agreement. On August 11, 2009 the Parents' attorney informed the hearing officer that the agreement had been ratified and they were withdrawing their request for due process with prejudice.

In order to accommodate the mediation session and the finalization of the agreement the parties extended the date for the mailing of the final decision and order. The date for the mailing of the final decision and order is August 21, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.