

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wolcott Board of Education

Appearing on behalf of the Student: Attorney Nicole A. Bernabo
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Appearing on behalf of the Board: Attorney Craig S. Meuser
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Expedited issues:

1. Did the Board comply with the procedural requirements of state and federal law regarding the action taken at the March 16, 2006 PPT manifestation determination meeting?
2. Is the Student's behavior which was at issue at the March 16, 2006 meeting a manifestation of his disability pursuant to state and federal law?
3. Does the interim alternative educational placement as recommended by the March 16, 2006 PPT provide the Student with a free appropriate public education?
4. Is the Student entitled to compensatory education as a result of the Board's failure to provide the Student with FAPE?

Additional issues:

1. Did the Board appropriately and comprehensively evaluate the Student in all areas (e.g. health, behavior, academic, assistive technology, etc.) during the 2004-2005 and 2005-2006 school years?

2. Did the Board provide the Student with an appropriate program for the 2004-2005 and 2005-2006 school years (e.g. development of measurable goals and objectives that appropriately address the Student's weaknesses, appropriate accommodations and modifications of his program, properly implement the components of his IEP)?
3. Is the Student entitled to compensatory education as a result of the Board's failure to provide the Student with FAPE?

SUMMARY:

The Board received this request for hearing filed on behalf of the Parents on March 22, 2006. [Exhibit H.O.-1] The issues submitted in the initial hearing contested the manifestation determination and the interim alternative educational setting. Therefore, the hearing proceeded as an expedited hearing. On April 4 the Parents' attorney submitted an amendment to the hearing request, and a request that the new issues be bifurcated from the expedited issues. [Exhibit H.O.-2] The Board's attorney submitted an objection to the request for amendment.

The hearing convened on April 10, at which time the Parents' request to amend the issues and bifurcate the case was granted. The Parent was also ordered to file a more sufficient amended complaint, in response to the Board's motion to challenge the sufficiency of the April 4 amendment.

At the first hearing date, counsel for both parties requested time to attempt to settle the pending issues, and were afforded substantial time to do so. The attorneys then jointly requested that the hearing be continued to the next date to go forward with the hearing, or report that the matter had been settled, which request was granted.

At the hearing on April 13, the Board's attorney and the Parents' attorney reported that a comprehensive settlement agreement had been reached on all issues.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, with prejudice.