

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Mansfield Board of Education

Appearing on behalf of the Parents: Atty. Walter R. Keenan, 156 Coventry Road, Mansfield Center, CT 06250

Appearing on behalf of the Mansfield Board of Education: Atty. Michael P. McKeon, Sullivan, Schoen, Campane & Connon, LLC, 646 Prospect Avenue, Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

1. Did the Board offer a free appropriate public education (FAPE) to the Student at the Planning and Placement Team meeting on June 20, 2007 as required by 20 U.S.C. Section 1401 et seq. and Conn. Gen. Stats., Section 10-76d?
2. Did the Board provide the Student with an IEP since December 21, 2004 with special education services to achieve adequate progress on IEP goals pertaining to reading?
3. Did the Board provide the Student with a FAPE that meets his educational needs and enables him to progress in the general education curriculum?

**PROCEDURAL HISTORY**

The Parents requested this hearing by mailing a Complaint to the State Department of Education ("SDE") and copies to the Board and its attorney on December 19, 2007. The Parents also filed a Motion for Consolidation of Proceedings with the Complaint, seeking to combine this case with a case involving the Student's identical twin. The SDE received the Complaint on December 20. This Hearing Officer was assigned to the case on December 26. On December 28, the Board received its copy of the Complaint. A prehearing conference was held on January 8, 2008. Hearing dates were agreed on for February 7, 8 and 11. The mailing date for the final decision was set at March 12, 2008. The Parents' attorney stated that the twin brother's case was assigned to Hearing Officer Rosado who conducted a prehearing conference the previous day.

This Hearing Officer and Hearing Officer Rosado conferred and agreed that the cases should not be consolidated because they involved different students.

On January 29, the Parties' attorneys filed a joint motion for postponement of the hearing in order to pursue mediation. The motion was granted with a 30-day extension of the mailing date to April 11. A hearing date was scheduled for March 17. Mediation was scheduled on February 28, then rescheduled to March 5. On March 6, the SDE advised the Hearing Officer that the parties had reached an agreement in principle and that the Parents' attorney would advise her of the status of the hearing request. On March 7, the Parents' attorney sent an e-mail to the Hearing Officer stating that he did not want to withdraw the case until a written agreement, which was to be drafted by the Board's attorney, was signed. In the event that the agreement was not signed by March 14, the Parents' attorney requested a postponement of March 17 hearing because he was not available on that date. The Hearing Officer advised the attorneys that the March 17 hearing would be canceled and the case dismissed in two weeks. On March 26, the Parents' attorney sent an e-mail reporting that the Board's attorney had not drafted an agreement, that he had drafted and forwarded one to the Board's attorney on March 12 and that the Board's attorney had not responded. He requested that a hearing be scheduled for the week of April 7.

The Hearing Officer granted the request, scheduled a hearing on April 9 and extended the mailing date for the final decision to May 5, 2008. On the afternoon of April 8, the Board's attorney requested a postponement of the April 9 hearing. The request was denied. The hearing convened on April 9 and the parties were given time to finalize the terms of their settlement agreement. The Parents' attorney stated that he intended to withdraw the case with prejudice in two days. On April 10, the Parents' attorney sent the Hearing Officer a withdrawal with prejudice.

#### **FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed with prejudice.