

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on behalf of the Student: Attorney Lynn B. Cochrane
Greater Hartford Legal Aid, Inc.
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Hartford, CT 06105

Appearing on behalf of the Board: Attorney Melinda B. Kaufmann
Assistant Corporation Counsel
City of Hartford
550 Main Street
Hartford, CT 06103

Attorney Ann F. Bird
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PO Box 532
Middletown, CT 06457

Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology), Hearing Officer

FINAL DECISION AND ORDER

This matter was commenced by request for due process dated June 4, 2009, subsequently revised on June 11, 2009 to include a request for attorney's fees as part of the relief sought. The Board states that it received the revised request on June 16, 2009. The June 4, 2009 and June 11, 2009 submissions are referred to collectively herein as the "Request." The undersigned was appointed as Hearing Officer on June 22, 2009.

The Student is a rising 11th grader attending the Board's public schools. There is no reported dispute as to her eligibility for special education and related services under the IDEIA, or as to her eligibility classification which is specific learning disability ("SLD"). The Request alleges that the Student has been denied a FAPE since 2003 and seeks, among other things, an order for compensatory reading services consistent with the Parent's request at an IEP meeting on December 8, 2008 as a remedy for that alleged denial of FAPE, and an order directing that for the 2009/2010 school year the District implement an IEP reflecting the recommendations stated in an independent educational evaluation ("IEE") presented to and considered by the IEP team at a meeting on April 28, 2009. The Board did not file a sufficiency challenge or an answer.

By agreement of the parties, a telephonic pre-hearing conference ("PHC") convened on July 2, 2009. Each party participated through counsel, the Parent through Ms. Cochrane and the Board through Ms. Kaufmann. Counsel reported at the PHC that a resolution meeting had not yet convened. Both parties expressed a desire to convene a resolution session and a willingness to explore resolving their dispute through a Connecticut Department of Education ("CTDOE")-facilitated mediation. Ms. Cochrane

expressed the Parent's desire to have this matter resolved in time for the start of the 2009/2010 school year to provide some certainty for the Student.

At the PHC, due to scheduling constraints, Ms. Kaufmann reported that she may engage another counsel to represent the Board in this matter. Ms. Cochrane advised that the Student's mother (the "Parent") may have knee surgery shortly, an event which may also impact the schedule for resolving this matter. The Board ultimately retained Ms. Bird, who entered an appearance for the Board shortly after the PHC. The hearing schedule developed at the PHC by agreement of the parties, and set forth in an initial scheduling order dated July 2, 2009, reflected all of these factors.

The July 2, 2009 scheduling order framed the issues set for hearing, established dates for the exchange of records and witness lists, set hearing dates for August 6, 2009, August 12, 2009 and August 14, 2009 and September 24, 2009 and September 25, 2009, and set September 30, 2009 as the date for the mailing of the Final Decision and Order. Absent modification, the date for mailing of the Final Decision and Order would have been August 31, 2009.

The parties reported on July 23, 2009 that they had undertaken settlement discussions between themselves and based on those initial discussions had concluded that they could resolve this matter without the need for a CTDOE-facilitated mediation. The parties thereafter reported periodically on the progress of their discussions and jointly requested various extensions of the pre-hearing schedule established in the July 2, 2009 order, all of which were granted in light of their reported progress. The parties ultimately reported on August 19, 2009 that they had resolved their dispute and that both parties had now executed a written settlement agreement fully resolving this matter.

Accordingly, it is hereby ORDERED that this matter is DISMISSED.

Ms. Cochrane, Ms. Kaufmann and Ms. Bird are commended for their diligence, cooperation and professionalism in attending to and working to resolve this matter.