

DEPARTMENT OF EDUCATION

Student v. Sherman Board of Education

Appearing on Behalf of the Parents: Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Frederick L. Dorsey
Siegel, O'Connor, O'Donnell & Beck, P.C.
50 Trumbull Street
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the Program offered by the Board for the 2009-2010 school year appropriate and does it provide the Student with a free and appropriate public education in the least restrictive environment? If not;
2. Does the program at Kildonan School provide the Student with a free and appropriate public education in the least restrictive environment?
3. Should the Board reimburse the Parents for their unilateral placement of the Student at the Kildonan School?

FINAL DECISION AND ORDER**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Speech and Language Impaired and is entitled to receive a free and appropriate public education as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

The Student's Parents rejected the Board's IEP for the 2009-2010 school-year. The Parents sought placement of the Student at the Kildonan School. The Board rejected the Parent's request. On or about October 5, 2009, the Board received notice that the Parent's were requesting a Due Process hearing. On or about October 5, 2009, an impartial special education officer was appointed to hear the matter. The parties mediated the matter rather than attend a resolution session. At the October 14, 2009 pre-hearing conference the parties agreed to a January 11, 2010 hearing date.

As a result of the discussions, on or about December 22, 2009 the Parents sent a facsimile transmission to the hearing officer advising him that the matter had been settled and requested a withdrawal with prejudice. The request for withdrawal of the due process request with prejudice was granted.

At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing date, the date for the mailing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is February 12, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.