

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Attorney Lawrence W. Berliner
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Craig Meuser
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the Individualized Education Program (IEP) and placement offered by the Board for the 2009-2010 school year appropriate to the Student's special education needs in the least restrictive environment?
2. If not, is placement at Marvelwood appropriate to the Student's special education needs?
3. If placement at Marvelwood is appropriate to the Student's special education needs, is the Board responsible for funding all or part of that placement?

PROCEDURAL HISTORY:

The hearing was requested on October 9, 2009, and the Hearing Officer was appointed on October 16, 2009. A pre-hearing conference was held on October 28, 2009: at that time the hearing was scheduled for November 18, 2009 and December 10, 2009, December 15, 2009 and December 17, 2009. The date for mailing the decision was December 23, 2009.

On November 2, 2009, Parents' Attorney reported that a resolution meeting had been held and the parties were working on a settlement. The Parties jointly requested that the November 18, 2009 hearing session be postponed to provide for completion of the settlement. The Hearing Officer agreed to the postponement. On December 7, 2009, the Parents' Attorney notified the Hearing Officer that the agreement had been completed and that the Parents had withdrawn their request for a hearing.

All motions and objections not previously ruled upon, if any, are hereby overruled.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses “Student”, “School”, “Parent” and titles of school staff members and other witnesses in place of names and other personally identifiable information.

CONCLUSIONS OF LAW:

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

FINAL DECISION AND ORDER:

Because the Parents have withdrawn their request for hearing, this matter is DISMISSED.