

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Bethel Board of Education

Appearing for the Student: Howard Klebanoff, Esq.
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Appearing for the Board: Susan C. Freedman, Esq.
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Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology)
Hearing Officer

FINAL DECISION AND ORDER

This proceeding was commenced on behalf of the Student by letter dated April 20, 2006 to the District and stamped received by the Department of Education's ("DOE's") Due Process Unit on April 24, 2006. The Student is 19 years old and the Parents claim that at a Planning and Placement Team ("PPT") meeting convened on February 1, 2006, the Parents had requested a residential placement of the Student at VISTA. The Parents report that the District agreed to fund the educational component of a placement at VISTA, that they requested again at a PPT on April 5, 2006 that the District fund the entire cost of the placement and that the District again denied that request. For purposes of this proceeding, the date for issuance of a final decision and order (absent any modification of the timeline by the Hearing Officer) would have been July 5, 2006.

No sufficiency challenge was filed and a letter dated May 19, 2006 from the District to the Parents that was copied to the Hearing Officer indicated that the parties planned to convene a resolution meeting on May 30, 2006. In light of that arrangement, the Hearing Officer delayed convening a pre-hearing conference ("PHC"). On May 31, 2006, counsel for the Parents reported that the parties had reached a settlement of their disputes at the resolution meeting and were reducing the agreement to writing. In light of that report, the Hearing Officer advised the parties that he would defer scheduling a PHC until the week of June 26, 2006 to permit the parties an opportunity to complete their settlement agreement.

A PHC convened on June 30, 2006. Due to connection difficulties, the Hearing Officer spoke first with counsel for the Parents and then subsequently with counsel for the District. Each counsel confirmed that they had reached an agreement to resolve the dispute but had not yet executed a final settlement agreement. The settlement that had

been negotiated had an Option A and Option B. According to the parties, the parties had recently determined that Option A would not work, that they were working to finalize Option B and that they would require some additional time to complete that process. Given the complexities of the settlement, both parties agreed that this matter should be continued to permit them to complete their settlement effort. Neither party has claimed that delaying resolution of this matter would affect the Student's educational interests.

By order dated July 6, 2006, the parties were directed to report to the Hearing Officer regarding settlement on or before July 24, 2006 and an initial hearing date was established for July 31, 2006. The date for issuance of the final decision and order was deemed continued to be determined based on the scheduling of hearing dates if required. The July 24, 2006 PHC and July 31, 2006 hearing date also were subsequently continued when the parties reported that, although they had reached agreement on the terms of the settlement, they required additional time to draft and execute a written settlement agreement. Through the month of August 2006 the parties continued to report that they were making progress in executing the settlement agreement. On September 5-6, 2006, the parties reported that a settlement agreement had been executed by both parties. The Hearing Officer hereby establishes September 16, 2006 as the date for issuance of a final decision and order and cancels all hearing and other dates that had been continued.

Based on the Hearing Officer's understanding that a written settlement agreement has been fully executed by both parties, this matter is dismissed.