

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Attorney Anne I. Eason
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Appearing on behalf of the Board: Attorney Gwen Zuttoun
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Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES: (As provided in the March 4, 2009, amended request for hearing):

- I. Failure to provide an appropriate program for the 2007-2008 school year (grade 9):
1. Failure to provide the program as promised.
 2. Failure to provide a program in the least restrictive environment.
 3. Lack of curriculum development.
 4. Lack of training of staff.
 5. Failure to master goals and objectives in the IEP.
 6. Failure to implement IEP services.
 7. Failure to provide properly trained and qualified staff.
 8. Failure to provide adequate support for certified staff.
 9. Failure to implement the inclusion consultant recommendations.
 10. Failure to provide [Student] with behavioral supports.
 11. Failure to provide appropriate supervision of [Student's] program, such that his safety is at issue.
 12. Failure to provide [Student] with specialized education that met his individualized needs.
 13. Failure to implement the Mediation Agreement dated 12/18/2007.
- II. Failure to provide an appropriate program for the 2008-2009 school year (grade 10):
1. Failure to provide the program as promised.
 2. Failure to provide a program in the least restrictive environment.

3. Lack of curriculum development.
4. Lack of training for staff.
5. Failure to master goals and objectives in the IEP.
6. Failure to implement IEP services.
7. Failure to provide properly trained and qualified staff.
8. Failure to provide adequate support for certified staff.
9. Failure to implement the inclusion consultant recommendations.
10. Failure to provide [Student] with specialized education that met his individual needs.
11. Failure to provide adequate supervision of [Student's] program, such that his safety is at issue.
12. Failure to implement the Mediation Agreement dated 12/18/2007.

PROCEDURAL HISTORY:

This hearing was requested by Parents on January 29, 2009. By letter dated February 5, 2009, the Board challenged the sufficiency of the request for hearing.

The Hearing Officer responded on February 6, 2009, finding the original request insufficient and citing the lack of:

A description of the nature of the problem of the child relating to such proposed initiation or change [in the IEP], including facts relating to such problem.

A proposed resolution of the problem to the extent known and available to the requesting party at the time.

Subsequently, the Parents retained an attorney who requested an extension of the deadline for providing a revised request for hearing. On February 27, 2009, the Parents' Attorney also reported that an agreement had been reached at a resolution meeting, and that a written draft of that agreement was being considered by the Parties.

On February 28, 2009, the Hearing Officer granted the extension of the date for an amended request, and delayed scheduling a pre-hearing conference pending the consideration of settlement. She also extended the decision date from May 15, 2009 to June 17, 2009, to provide for settlement negotiations.

An amended request for hearing was submitted on March 4, 2009.

By letter dated April 13, 2009, Parents' Attorney reported that the settlement had been concluded and that 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:

An agreement having been reached between the Parties and the request for hearing having been withdrawn, this matter is DISMISSED.