

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Canton Board of Education

Appearing on behalf of the Parents: Attorney Jennifer D. Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Michael P. McKeon
Sullivan, Schoen & Connon, LLC
646 Prospect Avenue
Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the Board have identified the Student as eligible for special education and related services prior to the eligibility determination on December 11, 2008?
2. Did the Board offer a free appropriate public education ("FAPE") to the Student for the remainder of the 2008-2009 and the 2009-2010 school years, including the 2009 extended school year ("ESY")?
3. Should the Board be required to place the Student at The Grove School and reimburse the Parents for all expenses at The Grove School, related services and outside evaluations incurred as a result of the Board's failure to offer or provide a FAPE for the 2007-2008, 2008-2009 and 2009-2010 school years, including ESYs?
4. Are the Parents entitled to any compensatory educational services for the Student to remedy past deprivations of FAPE and procedural violations?

PROCEDURAL HISTORY:

The Parents' attorney faxed a letter to the State Department of Education on November 17, 2009 requesting a due process hearing. The Board received a copy of the letter on November 20, 2009. This Hearing Officer was assigned to the case on that date. A prehearing conference was held on December 14, 2009. The attorneys reported that mediation was held in the summer of 2009 and that a planning and placement team meeting was scheduled on December 21, 2009. The mailing date for the final decision

was set at February 4, 2010. Five hearing dates were agreed on for January 11, 2010 and February 3, 4, 10 and 11, 2010. On December 23, 2009, the Parents' attorney filed a request with consent of the Board's attorney for an extension of the mailing date for the final decision to March 8, 2010. The request was granted. On January 8, 2010, the Parents' attorney filed a joint request for a postponement of the January 11, 2010 hearing date in order to use the date to conduct mediation. The request was granted and the hearing was scheduled to convene on February 3, 2010. On January 29, 2010, the Parents' attorney filed a joint request to postpone the February 3, 2010 and February 4, 2010 hearing dates so that the parties could continue settlement discussions. The request was granted and the hearing was scheduled to convene on February 10, 2010. On February 9, 2010, the Parents' attorney advised the Hearing Officer that the parties had reached a settlement, that they would execute a settlement agreement and that the Parents were withdrawing the due process request without prejudice.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed without prejudice.