

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Marisa Mascolo, Esquire
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

Marsha Belman Moses, Esquire
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Mary H.B. Gelfman, Esq.,
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the 2011-2012 Individualized Education Program (IEP) and placement at Madison Middle School appropriate to the Student's special education needs in the least restrictive environment?
2. If not, is continued placement at Ben Bronz appropriate to the Student's special education needs in the least restrictive environment?
3. Is the Board responsible for funding the Student's placement at Ben Bronz for 2011-2012?

PROCEDURAL HISTORY:

This hearing was requested by Parents on August 12, 2011, and the Hearing Officer was appointed on August 16, 2011. The date for mailing the decision was October 26, 2011.

A pre-hearing conference was held on September 8, 2011. At that time, the Parties reported that they had requested mediation from the State Department of Education, but a date had not yet been set. The Parties requested an extension of the mailing date to accommodate settlement negotiations; the Hearing Officer granted that request and extended the mailing date to November 25, 2011. The hearing was scheduled for November 1, 7, 9, 14 and 21, 2011. The Parties requested another extension of the

mailing date to accommodate the additional hearing days, and the Hearing Officer extended the mailing date for the decision to December 23, 2011.

The Parents informed the Hearing Officer on October 20, 2011, that the Parties had agreed to an evaluation and a Planning and Placement Team meeting to review the results of that evaluation, and requested that hearing dates of November 1, 7 and 8, 2011, be postponed. The Hearing Officer consented to that request. The Parents informed the Hearing Officer on November 8, 2011, that a settlement had been delayed by the early snow storm, resulting in extensive power outages and school closings, and requested that the hearing scheduled for November 14 be postponed. The Hearing Officer consented to that request. Subsequently, the Parties requested that the November 21 hearing session be cancelled because an agreement was being finalized. On December 19, 2011, Parents informed the Hearing Officer that the agreement had been fully executed and asked that the case be dismissed with prejudice.

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.

FINAL DECISION AND ORDER:

The request for hearing having been withdrawn after an agreement was made between the Parties, this matter is DISMISSED with prejudice.