

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Andrew Feinstein, Esquire  
86 Denison Avenue  
Mystic, CT 06355

Appearing on behalf of the Board:

Andreana Bellach, Esquire  
Christopher A. Tracey, Esquire  
Shipman & Goodwin, LLP  
300 Atlantic Avenue  
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Appearing before:

Mary H.B. Gelfman, Esquire  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board offer the Student an appropriate Individualized Education Program (IEP) and special education placement in the least restrictive environment in the school year 2009-2010?
2. Were the IEPs and placements offered by the Board during the 2010-2011 school year, prior to May 2, 2011, and after disciplinary action by the Board on May 2, 2011, appropriate to the Student's special education needs?
3. Did the Board offer the Student an appropriate IEP and special education placement in the least restrictive environment for the school year 2011-2012?
4. If the IEP and/or the special education placements for the Student for the 2009-2010 and/or the 2010-2011 school years were not appropriate to the Student's special education needs, is the Student entitled to compensatory educational services?
5. If the IEP and/or special education placement for 2011-2012 is not appropriate, is the Board obligated to hire a qualified consultant to assist the Planning and Placement Team (PPT) to design and oversee Student's special education program?

**PROCEDURAL HISTORY:**

This hearing was requested by Parents on September 9, 2011, and the Hearing Officer was appointed on September 12, 2011. The date for mailing the decision was November 23, 2011.

A pre-hearing conference was held on September 26, 2011. The hearing was scheduled for November 16 and 17, 2011. On November 9, 2011, Parents notified the Hearing Officer that the Parties were very close to reaching an agreement to resolve the dispute. On November 11, 2011, the Board notified the Hearing Officer that an agreement had been reached and was being "finalized/executed". The Hearing Officer cancelled the hearing dates and notified the Parties that if the matter was not withdrawn before the decision date, it would be dismissed without prejudice.

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

**SUMMARY:**

The Parents claim that the Student was not provided with a free appropriate public education during school years 2009-2010, 2010-2011 and 2011-2012, and that no education at all has been provided since May 2, 2011, when he was suspended after being arrested off school grounds.

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 which also authorize special education hearings.

**FINAL DECISION AND ORDER:**

Since the matter has been reported to be settled, this case is DISMISSED without prejudice.