

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Canton Board of Education and Student

Appearing on behalf of the Board of Education: Attorney Michael McKeon
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103

Appearing on behalf of the Student: Attorney Andrew Feinstein
Feinstein Education Law Group
86 Denison Avenue
Mystic, CT 06355

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the evaluations administered by the Board of Education appropriate?
 - a. If not, is the Student entitled to an independent educational evaluation at public expense?
2. Is the diagnostic placement recommended by the PPT on March 16, 2017 appropriate for the Student?
 - a. If so, should the Student be ordered to avail herself of that evaluation?

PROCEDURAL HISTORY:

The Board of Education initiated this special education due process case on April 20, 2017. This Impartial Hearing Officer was assigned to the case on April 26, 2017. A Prehearing Conference was convened on May 17, 2017. The Student's parents appeared on behalf of the Student *Pro Se* and Attorney Michael McKeon appeared on behalf of the Board of Education. The initial deadline for filing the final decision in this case was established to be June 2, 2017. An evidentiary hearing was initially scheduled for June 5, 2017 but was later cancelled to afford the parties an opportunity to pursue mediation.

On June 1, 2017, the Board of Education submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to June 30, 2017. The purpose of the requested postponement and extension was to accommodate the parties' need for time to pursue mediation. The Student agreed to the requested postponement and it was granted.

On June 14, 2017, Attorney Andrew Feinstein appeared on behalf of the Student in this matter. In addition, on June 15, 2017 the evidentiary hearing was rescheduled for July 24, 2017. On June 15, 2017, the Board of Education submitted a written request for a thirty-day

postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to July 28, 2017. The purpose of the requested postponement and extension was to accommodate the parties' need for time to pursue mediation. The request was granted.

On July 20, 2017, the Student reported that the parties had reached a settlement of the matter and that the Board had provided a draft settlement agreement. The Student requested that the hearing of July 24, 2017 be cancelled. The hearing was cancelled. On July 24, 2017 the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to August 25, 2017. The purpose of the requested postponement and extension was to allow the parties' time to finalize the settlement. The Board consented to the request and it was granted.

On August 15, 2017 the Board reported that the parties had executed their settlement agreement and requested that the matter be withdrawn with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request is granted and the matter is dismissed with prejudice.