

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 9

Appearing on behalf of the Parents: Attys. Howard Klebanoff and Courtney P. Spencer, Klebanoff & Alfano, P.C., 433 South Main Street, Suite 102, West Hartford, CT 06110

Appearing on behalf of the Regional School District No. 9: Atty. Michael P. McKeon, Sullivan, Schoen, Campana & Connon, LLC, 646 Prospect Avenue, Hartford, CT 06105-4286

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

This hearing was requested on August 1, 2006 by letter to the State Department of Education ("SDE"). The Board's attorney received the hearing request on the same date. This hearing officer was assigned to the case on August 2. A prehearing conference was scheduled on August 17 and, at the request of the parties, rescheduled on August 30. The parties had a disagreement on the stay put placement for the Student. The Parents' attorneys were allowed until September 6 to file a Motion and supporting memorandum for the stay put placement at Perkins School for the Blind in Massachusetts. The Board's attorney was allowed until September 11 to file its opposing argument that the Student was withdrawn from the school district and unilaterally placed at Perkins. Hearing dates were agreed on for September 20, October 18 and 24. The parties' request for a 30-day extension of the October 16 decision deadline was granted, and the decision deadline was reset at November 17. The Parents' attorneys timely filed their papers. The Board's attorney did not file any opposition. On September 12 the Hearing Officer granted the Parents' Motion for Stay Put at the Perkins School during the pendency of the case. The parties timely filed exhibits and witness lists on September 13.

On September 19, the Board's attorney requested a postponement of the September 20 hearing date because he had been subpoenaed to testify at a trial in Superior Court. The request was granted. On October 13 the Board's attorney requested a postponement of the October 18 hearing date to continue settlement negotiations. The request was granted. The hearing convened on October 24. The parties were allowed time to discuss a possible settlement. The parties stipulated to an agreement on the record that the Board would pay for the Student's placement at the Perkins School for the 2006-07 school year. The parties requested additional time to resolve the 2005-06 school year. A hearing date was agreed on for November 7 and the decision deadline was extended to December 1. On November 3 the Board's attorney requested a postponement of the November 7

hearing because he had to appear in the United States District Court at that time. The request was granted and the hearing was rescheduled for November 20. On November 16 the Board's attorney requested a postponement of the November 20 hearing in order to finalize settlement negotiations. The Parents' attorneys then requested a two-week postponement in order that an agreement could be prepared and signed. The request was granted, the hearing was rescheduled for December 5 and the decision deadline was extended to December 29, 2006. On November 30 the Parents' attorneys wrote to the Hearing Officer requesting a one-week postponement of the December 5 hearing date, or in the alternative, that the hearing request be dismissed without prejudice. On December 1 the Hearing Officer denied the postponement request, canceled the December 5 hearing and advised the parties' attorneys that a dismissal order would be issued.

FINAL DECISION AND ORDER

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