

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Regional District No. 17

Appearing for the Student: Howard Klebanoff, Esq.  
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433 South Main Street, Suite 102  
West Hartford, CT 06110

Appearing for the Board: Rebecca Rudnick Santiago, Esq.  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing Before: Scott Myers, J.D., M.A. (Clinical Psychology)  
Hearing Officer

**FINAL DECISION AND ORDER**

By notice dated October 12, 2006, the undersigned was appointed by the Department of Education (“CTDOE”) as due process hearing officer in a matter encaptioned “[Student] v. Regional School District No. 17” and assigned DOE case number 06-222. Included with the notice of appointment was a copy of a letter dated October 5, 2006 from counsel for the Parents to the CTDOE Due Process unit advising that an effort to resolve the dispute through mediation had failed and requesting due process. The CTDOE subsequently advised that the case number for this matter should be 06-305. By order dated October 21, 2006, the Hearing Officer denied a sufficiency challenge asserted by the District pursuant to 20 U.S.C. § 1415(c)(2)(A) based on the October 5, 2006 letter. The Hearing Officer concluded that the October 5, 2006 letter was on its face insufficient to satisfy the requirements of the IDEIA. In response to the sufficiency challenge, however, the Parents identified a letter dated July 10, 2006 to the District as their request for due process. The Hearing Officer concluded that that letter satisfied the requirements of 20 U.S.C. § 1415(c)(2)(A).

A telephonic pre-hearing conference (“PHC”) convened on October 31, 2006. Counsel for the Parents (Mr. Klebanoff) and for the District (Ms. Santiago) participated. The parties reported that this matter involves the Student’s programming for the 2006/2007 school year and that that issue has not previously been subject to a due process hearing or assigned to another hearing officer. The parties agreed further that it would be acceptable to use October 5, 2006 as the starting date for calculating the 75 day clock for issuance of the final decision and order in this matter. The parties reported that over the past several weeks they had been engaged in settlement efforts, that they had determined not to proceed with a resolution session scheduled for October 27, 2006 given those discussions and that they were continuing settlement discussions. By agreement of the parties at the PHC and as set forth more fully in a scheduling order issued on

November 1, 2006, the date for issuance of the final decision and order was set at December 15, 2006 and December 6 and 13, 2006 were established as hearing dates. This schedule was established to allow the parties time to pursue settlement efforts.

Based on the discussion at the PHC, the issues set for hearing were as follows:

1. Whether the District's proposed program for the 2006/2007 school year offered the Student a FAPE in the LRE?
2. If not, whether the program selected by the Parents for that school year was appropriate within the meaning of the IDEIA?
3. If yes, whether and to what extent the Parents are entitled to reimbursement for their selected placement?

By letter dated November 30, 2006, counsel for the Parents, on behalf of the Parents and the District, reported that the parties had reached a settlement and were requesting a two week continuance to allow them to reduce the agreement to writing. On December 1, 2006, the Hearing Officer granted that request in part. The December 6, 2006 hearing date was cancelled but the December 13, 2006 hearing date was not cancelled. The parties were directed to report when they had executed their settlement agreement.

By letter dated December 7, 2006, counsel for the Parents, on behalf of the Parents and the District, advised that the settlement agreement had been executed and that this matter could be dismissed with prejudice. Accordingly, the December 13, 2006 hearing date is hereby cancelled. Based on the representations of the parties this matter is hereby DISMISSED.