

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Suffield Board of Education

Appearing for the Student: Andrew Feinstein, Esq.
Law Offices of David C. Shaw, LLC
34 Jerome Avenue, Suite 210
Bloomfield, CT 06002

Appearing for the Board: Anne C. Loughrain
Director, Pupil Personnel Services
Suffield Public Schools
350 Mountain Road
Suffield, CT 06078

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

FINAL DECISION AND ORDER

This matter was commenced by a letter dated December 8, 2006 from the Student's counsel to the State of Connecticut, Department of Education ("CTDOE") requesting a due process hearing. A telephonic pre-hearing conference ("PHC") was convened on December 19, 2006. The Student was represented by counsel (Mr. Feinstein) and the Board by its Director of Pupil Personnel Services (Dr. Loughrain), who advised that the Board has not retained counsel in this matter. This matter was commenced by the Student's mother on behalf of the Student, who is eighteen years of age. At the PHC, Mr. Feinstein represented, Dr. Loughrain concurred and the parties stipulated that the Student's mother has been duly appointed as the Student's conservator and, accordingly, is authorized to commence and prosecute this proceeding on the Student's behalf.

The issues submitted for hearing by the Student were defined in a January 4, 2007 filing made at the Hearing Officer's direction as follows:

1. Whether the education/transition plan proposed by the [District] at [the December 6, 2006 PPT] is appropriate to meet the Student's educational needs in the least restrictive environment.
2. Whether the implementation of a community-based transition plan requires the retention of an appropriate community service provider with knowledge and experience in implementing the necessary educational services.
3. Whether, to provide a [FAPE], the [D]istrict is obligated to retain an independent behavior consultant to help address the Student's conduct in the community.

The Hearing Officer issued an initial scheduling order on December 20, 2006, which established February 21, 2007 as the date for the issuance of a final decision and order, established a schedule for the submission of witness lists and exhibits, and established hearing dates on January 23, 24 and 30 and February 12, 2007. No sufficiency challenge was filed.

The parties met on January 10, 2007 to attempt to settle their dispute, reached an agreement in principle and then worked to reduce the agreement to a written agreement. On January 23, 2007, the parties appeared for hearing and reported that they had that morning finalized and executed a written settlement agreement resolving their dispute. Counsel for the Student reported that in light of the execution of the settlement agreement this matter was being withdrawn with prejudice.

Accordingly, all remaining hearing dates are hereby cancelled and this matter is hereby DISMISSED.

The parties are commended for their professionalism and diligence in resolving what could have otherwise been a protracted hearing.