

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Lawrence W. Berliner, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board:

Marsha Belman Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was an adequate triennial evaluation performed by the Board in a timely fashion?
2. Are the current Individualized Education Program (IEP) and placement appropriate to the Student's special education needs?
3. Did the Board respond appropriately to the Parents' request for an independent evaluation, to include a vocational evaluation?
4. Does the Student require an increase from two days per week at High Roads in order to benefit from special education?
5. Have adequate transition planning and services been provided?
6. Did the Board provide the Parents and the Student with a meaningful opportunity to participate in the development of the Student's IEP and Transition Plan?

PROCEDURAL HISTORY:

This hearing was requested on November 3, 2008, and the Hearing Officer was appointed on November 4. A pre-hearing conference by telephone conference call was held on November 21. The mailing date for the decision was January 17, 2009, and was extended to February 16 to accommodate settlement negotiations.

The hearing was scheduled for January 20, 26, 27, and 29, 2009.

On December 12, 2008, the Parents' Attorney notified the Hearing Officer that the dispute had been settled and the request for hearing had been withdrawn.

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

SUMMARY:

The Student was currently assigned to a split program, with two days a week at a private placement and three days a week at the Board's high school. Parents had wanted a more gradual transition from the private placement to the high school, and a comprehensive triennial evaluation to include a vocational evaluation. At the time the hearing was requested, the Student was attending only the private placement component of his IEP.

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 also authorize special education hearings.

FINAL DECISION AND ORDER:

The dispute between the Parties having been settled and the request for hearing withdrawn, this case is DISMISSED.