STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Board of Education

Appearing on behalf of the Parent:	Gregory Smith, Esq. 89 West Lane Ridgefield, CT 06877
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. Were the 2009-2010 and 2010-2011 Individualized Education Programs (IEPs) and placements provided by the Board appropriate to the Student's special education needs in the least restrictive environment?

2. If not, what are an appropriate IEP and placement for the Student?

3. If the Board's IEP and placement were not appropriate to the Student's needs in 2009-2010 and/or 2010-2011, is the Student entitled to compensatory educational services?

PROCEDURAL HISTORY:

This hearing was requested by the Student's Surrogate Parent on July 18, 2011. The Hearing Officer was appointed on July 21, 2011. The date for mailing the decision is October 1, 2011. A pre-hearing conference was held by conference telephone call on August 1, 2011, At that time, the hearing was scheduled for September 7, 2011.

Mediation was held on August 10, 2011, and failed to resolve the issues. At a subsequent Planning and Placement Team meeting, the Parties reached a settlement and the request for hearing was withdrawn on September 2, 2011. All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The Student, through her Surrogate Parent, claimed that her IEP and placement did not provide an appropriate special education program. She had failed to pass ninth grade twice.

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 Parties having reached a settlement and the request for hearing having been withdrawn, this matter is DISMISSED without prejudice.