

November 6, 2014

Final Decision and Order 15-0092

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Hartland Board of Education

Appearing on behalf of Student: Attorney Courtney Spencer
100 Riverview Center Suite 120
Middletown, CT 06457

Appearing on behalf of the Board of Education: Attorney Marsha Moses
Berchem Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before: Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via Letter dated August 12, 2014.² It was received by the Board of Education ("BOE") on August 14. The 30-day resolution period ended September 13 and the original deadline to mail the final decision and order was October 28. A telephonic pre-hearing conference was held on September 16. Attorney Spencer appeared on behalf of Student and Attorney Moses appeared on behalf of BOE.

The following issues were identified:

1. Is Student's current Individualized Education Program appropriate?
2. Did the Board of Education provide Student with a free appropriate public education during the 2014 extended school year?
3. Did the Board of Education pre-determine Student's current placement?
4. Is the Board of Education required to provide Student with Assistive Technology?
5. Should Student be placed at Franklin Academy at the Board of Education's expense for the 2014-15 school year?

Via letter dated September 17, Student's Attorney requested an extension of the deadline to mail the final decision and order to accommodate an October 30 mediation date. After fully considering the positions of the parties, the request for an extension of the mailing date was granted and the deadline to mail the final decision and order was extended to November 27. Hearings were scheduled for November 19 and 25.

The parties participated in mediation on October 30. Via letter dated October 31, Student's Attorney indicated that the parties executed a settlement agreement and requested that the matter be withdrawn with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is dismissed with prejudice.

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student", "Parents", "School" and titles of school staff members and certain other witnesses in place of names and other personally identifiable information.

² All dates are 2014 unless otherwise indicated.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20 United States Code 1415(i)(2)(A)..



Hearing Officer Signature

JANIS C. JERMAN

Hearing Officer

Name in Print