

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Shelton Board of Education

Appearing on Behalf of the Parents: Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

Appearing on Behalf of the Board: Attorney Christine L. Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education in the least restrictive environment as required by 20 U.S.C. §1401 et seq? If not;
2. Does the Student require a private placement or a RESC-based special education program with transportation for the 2010-2011 school year?
3. Should the Board reimburse the Parent for the independent educational evaluation by Dr. Melissa Olive?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The student has been identified as entitled to receive a free and appropriate public education ("FAPE") as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parent rejected the PPT program offered by the Board for the 2010-2011 school year. The Parents requested a private placement or a RESC-based special education program with transportation for the 2010-2011 school year. The Board refused the Parent's request.

On or about October 10, 2010, the Board received notice of the Parent's request for due process. Mediation was scheduled for November 18, 2010.

An impartial hearing officer was appointed on October 18, 2010 and a pre-hearing conference was held on October 28, 2010. Hearing dates of December 9 and 10, 2010 were chosen by the parties.

The Parent's attorney notified the hearing officer that the matter had been resolved but the parties needed additional time to draft the agreement. On or about January 28, 2011, the Parent's attorney notified the hearing officer that the agreement had been signed and the matter was settled. The Parent's attorney requested that the matter be withdrawn with prejudice.

In order to accommodate the mailing of a final order and decision after the hearing date and to accommodate the additional time to draft the agreement, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is February 23, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.