

July 25, 2012

Final Decision and Order 12-0422

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on Behalf of the Parent: Attorney Gerry McMahon
Law Offices of Gerry McMahon, LLC
9 Grove Street, Suite C
Ridgefield, CT 06877

Appearing on Behalf of the Board: Attorney Marsha B. Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

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 (FAPE) in the least restrictive environment (LRE)?
2. Is the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE?
3. Does the Student require a therapeutic residential program in order to receive FAPE in the LRE for the 2011-2012 school year?
4. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 and 2011-2012 school years?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2011-2012 school year and requested a therapeutic residential program. The Board refused the Parent's request.

On May 12, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on May 12, 2012 and a pre-hearing conference was held on May 23, 2012. A hearing date of July 10, 2012 was chosen by the parties.

In an electronic transmission dated July 22, 2012, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter would be withdrawn within the week. On July 23, 2012, the parties were informed that a request for a dismissal needed to be filed immediately since the mailing date for the Final Order and Decision is July 26, 2012. There was no response from the parties.

FINAL DECISION AND ORDER:

The matter is dismissed without prejudice.