

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Parents: Attorney Lawrence W. Berliner
Law Offices of Lawrence W. Berliner, LLC
1720 Post Road East, Ste. 214 E
Westport, CT 06880

Appearing on behalf of the Board: Attorney Michelle C. Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board from December 10, 2011 to the end of the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with FAPE in the LRE? If not;
3. Should the Board reimburse the Parents for the unilateral placement of the Student at Winston Preparatory School for the 2012-2013 school year?
4. Is the program proposed by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
5. Should the Board reimburse the Parents for the unilateral placement of the Student at Winston Preparatory School for the 2013-2014 school year?
6. Did the Board complete the Student's triennial evaluation in a timely manner?
7. Should the Board reimburse the Parents for the independent education evaluation performed by Dr. Werblood?
8. Is the Student entitled to compensatory education for the denial of FAPE?

The Board's issue is as follows:

Did the Parents waive their right to the triennial evaluation planned for April 2011 at the April 6, 2010 planning and placement team (PPT) meeting?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a PPT meeting, the Parents rejected the program offered by the Board for the 2013-2014 school year. The Parents requested placement at the Winston Preparatory School for the 2013-2014 school year. The Board refused the Parents request.

On December 10, 2013, the Board received notice of the Parents request for due process. The parties agreed to a resolution meeting. The resolution meeting was scheduled for December 23, 2013.

An impartial hearing officer was appointed on December 11, 2013 and a pre-hearing conference was held on December 18, 2013. Hearing dates of February 3 and 4, 2014 were chosen by the parties. In an electronic transmission, the parties advised the hearing officer that they were able to resolve the matter. The Parents' attorney requested a withdrawal of the matter with prejudice.

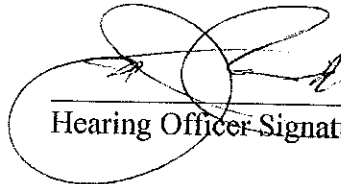
The date for mailing the Final Decision and Order is February 21, 2014.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.

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

Justino Rosado
Hearing Officer Name in Print