

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing on behalf of the Parent: Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
100 Riverview Center, Suite 120  
Middletown, Ct 06457

Appearing on behalf of the Board: Attorney Linda Yoder  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, Connecticut 06103-1919

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program offered by the Board for the 2015-2016 school year appropriate and did it provide the Student with free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not:
2. Should the Board be responsible for the cost of the placement of the Student at the Westport Day School for the remainder of the 2015-2016 school year?
3. Is the Student entitled to Compensatory Education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disturbance 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 Parents rejected the program offered by the Board for the 2015-2016 school year and requested placement at Westport Day School for the remainder of the 2015-2016 school year. The Board refused the Parents' request and the Parents requested due process. An impartial hearing officer was appointed on March 29, 2016. On March 30, 2016, the Board received notice of the Parents' request for due process. A pre-hearing conference was held April 29, 2016. The parties agreed to go to mediation in place of a resolution meeting.

In an electronic transmission, the Parents' attorney advised the hearing officer that the Parent was withdrawing the matter without prejudice. The Board did not object to the withdrawal. The date for the mailing of the Final Decision and Order was extended to June 10, 2016 to accommodate mediation.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT 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