

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

Appearing on behalf of the Parent: Attorney Ann Rose
Law Offices of Ann Rose, LLC
6 Nelson Lane
Newtown, Ct 06470

Appearing on behalf of the Board: Attorney Rebecca R. Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for 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. Is the program offered by the Board, for the 2012-2013 school year, appropriate and does it provide the Student with FAPE in the LRE? If not;
3. Does the Student require an out of district placement at Foundation School, at the Board's expense, in order to receive FAPE in the LRE?
4. Does the Student require an extended school year program (ESY) for the 2012-2013 school year in order to receive FAPE in the LRE?

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 Parents rejected the program offered by the Board for the 2012-2013 school year. The Parents requested placement at the Foundation School for the 2012-2013 school year. The Board refused the Parents' request.

On March 27, 2013, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was scheduled.

May 29, 2013

Final Decision and Order 13-0377

An impartial hearing officer was appointed on March 26, 2013 and a pre-hearing conference was held on April 2, 2013. Hearing dates of May 27 and 28, 2013 were chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve some of the issues and the remaining issue required additional time to resolve. The Parent's attorney requested that the matter be withdrawn without prejudice. There was no objection by the Board. The withdrawal was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is June 10, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.