

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on Behalf of the Parents: Attorney Courtney F. Spencer  
The Law Office of Courtney P. Spencer, LLC  
701 Hebron Avenue  
Glastonbury, CT 06033

Appearing on Behalf of the Board: Attorney Susan C. Freedman  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Does the Board program for the 2011-2012 school year provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the Student require a program at Deveraeaux Glenholme School in order to receive FAPE in the LRE?
3. Is the Student entitled to Compensatory Education for the denial of FAPE?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified with Autism and is entitled to receive a 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 2011-2012 school year. The Parents requested a program at Deveraeaux Glenholme School. The Board refused the Parents' request.

On February 15, 2012, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on February 17, 2012 and a pre-hearing conference was held on February 23, 2012. A hearing date of April 23, 2012 was chosen by the parties.

The Board filed a Motion to Dismiss, but at the prehearing conference the parties agreed that the Parents' attorney would wait until after the mediation to respond to the Motion to Dismiss. The parties

request a cancellation of the April 23, 2012 hearing date in order to continue with the mediation. The request was granted.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation, and that the matter would be withdrawn with prejudice, but the parties needed additional time to formalized the agreement. On June 13, 2012, the parties advised the hearing officer that the agreement had been ratified and that the matter be withdrawn with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is June 29, 2012.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**