

January 5, 2012

Final Decision and Order 12-0099

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Colchester Board of Education

Appearing on behalf of the Parents:

Attorney Courtney Spencer
The Law Office of Courtney P. Spencer LLC
701 Hebron Ave.
Glastonbury, CT 06033

Appearing on behalf of the Board:

Attorney Anne Littlefield
Attorney Leander Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Attorney Mary Elizabeth Oppenheim,
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board has offered the Student an appropriate program for the 2011-12 school year;
2. Whether the Board has committed procedural violations during the 2011-12 school year which have resulted in a denial of FAPE to the Student;
3. Whether the Student is entitled to compensatory education for the denial of FAPE during the 2011-12 school year;
4. Whether the Student shall be provided two hours of OT per week as well as an independent FBA for the 2011-12 school year.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on October 12, 2011 and a prehearing conference convened on October 19, 2011. The parties agreed to mediate the case, which was convened on November 21, 2011.

The initial hearing date of December 7, 2011 was postponed and the mailing date of the decision was extended at the request of the Parents' attorney to allow the parties to attempt to finalize a settlement agreement. On January 3, 2012 prior to the rescheduled hearing date of January 12, 2012 the Parents' attorney submitted notification that the settlement was finalized, and requested to withdraw the case with prejudice. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, with prejudice.