

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on behalf of the Parent: Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

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. Is the program offered by the Board, for the 2012-2013 school year, appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the Student require an out of district placement in order to receive FAPE in the LRE?
3. Is the Student entitled to compensatory education for the denial of FAPE for the 2012-2013 school year?

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 an appropriate out of district placement for the 2012-2013 school year. The Board refused the Parents' request. On March 22, 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 held on April 24, 2013. An impartial hearing officer was appointed on March 22, 2013 and a pre-hearing conference was held on April 2, 2013. Hearing dates of May 21 and 22, 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 The Parent's attorney requested that the matter be withdrawn without prejudice.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 5, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.