

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Haven Board of Education

Appearing on behalf of the Parent: Attorney Ann E. Rose  
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Norwalk, CT 06470-1203

Appearing on behalf of the Board: Marsha B. Moses, Esq.  
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75 Broad Street  
Milford, Ct 06460

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided 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 no;
3. Is the unilateral placement of the Student at the Forman School for the 2012-2013 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Should the Board be responsible for the cost of the unilateral placement of the Student at the Forman School for the 2011-2012 school year?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired-ADD/ADHD 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 Parent rejected the program offered by the Board for the 2012-2013 school year. The Parent requested placement at the Forman School for the 2012-2013 school year. The Board refused the Parent's request.

On September 6, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on November 2, 2012.

An impartial hearing officer was appointed on September 10, 2012 and a pre-hearing conference was held on September 24, 2012. Hearing dates of November 19 and December 18 and 19, 2012 were chosen by the parties. The hearing dates of November 19 and December 19, 2012 were cancelled by the parties. The parties chose additional hearing dates.

In an electronic transmission, the Parent's attorney advised the hearing officer that the Parent requested a withdrawal of the matter without prejudice due to personal reasons. The withdrawal of the matter without prejudice 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 January 18, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**