

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 5 Board of Education

Appearing on behalf of the Parent: Lawrence W. Berliner, Esq.
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Westport, CT 06880

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 offered by the Board for the 2012-2013 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 summer program provided by the Board for the summer of 2013 appropriate and did it provide the Student with FAPE?
3. Is the program proposed by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Should the Board place the Student at Winston Preparatory School for the 2013-2014 school year?
5. Should the Board reimburse the Parent for the unilateral placement of the Student at Winston Preparatory School for the 2012-2013 school year?
6. Did the Board complete the Student's triennial evaluation in a timely manner?
7. Was the Parent allowed to be a full participant of the PPT and were her concerns addressed?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in 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 2013-2014 school year. The Parent requested placement at the Winston Preparatory School for the 2013-2014 school year. The Board refused the Parent's request.

On, July 15, 2013, 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 date was October 22, 2013.

An impartial hearing officer was appointed on July 17, 2013 and a pre-hearing conference was held on August 1, 2013. Hearing dates of September 24 and 25, 2013 were chosen by the parties. The parties requested cancellation of the hearing dates as the mediation session date provided was after the hearing dates. A new hearing date was set for November 13, 2013.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter. The Parent's attorney requested that the matter be withdrawn with 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 hearing dates. The date for mailing the Final Decision and Order is November 25, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.