

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing on Behalf of the Parents: Attorney Howard Klebanoff
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Linda Yoder
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2010-2011 school year appropriate and provide the Student with a free and appropriate education in the least restrictive environment (LRE)? If not;
2. Does the program at Franklin Academy provide the Student with FAPE in the LRE?
3. Should the Board reimburse the Parent for their unilateral placement of the Student at the Franklin Academy for the 2010-2011 school year?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education ("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. At a PPT meeting, the Parents rejected the program offered by the Board for the 2010-2011 school year. The Parents requested payment for their unilateral placement of the Student at Franklin Academy. The Board refused the Parents' request. An impartial hearing officer was appointed on May 16, 2011. On or about May 17, 2011, the Board received notice of the Parents' request for due process and a pre-hearing conference was held on May 24, 2011. A hearing date of July 13, 2011 was chosen by the parties.

The parties agreed to go to mediation in place of a resolution meeting. On or about June 29, 2011 the parties mediated the matter.

July 14, 2011

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Final Decision and Order 11-0447

In an electronic transmission dated June 29, 2011, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and requested that the matter be withdrawn without prejudice. The date for mailing the Final Order and Decision is July 31, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.