

July 25, 2012

Final Decision and Order 12-0012

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Avon Board of Education

Appearing on Behalf of the Parent: Attorney Marisa A. Mascolo
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433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Rebecca R. Santiago
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One Constitution Plaza
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate 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?
3. Should the Student be placed at Eagle Hill in Greenwich, Connecticut for the 2012-2013 school year?
4. Should the Board reimburse the Parents for the cost of a private reading tutor during the 2011-2012 school year?
5. Is the Student entitled to compensatory education for the denial of FAPE for the 2011-2012 school year?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired 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 of the Student at Eagle Hill in Greenwich, Connecticut for the 2012-2013 school year. The Board refused the Parent's request.

On or about July 9, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to a resolution meeting. An impartial hearing officer was appointed on July 12, 2012 and a pre-hearing conference was held on July 17, 2012. Hearing dates of September 6 and 7, 2012 were chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter at the resolution meeting and that the matter was withdrawn with prejudice. The withdrawal with prejudice was granted. The date for mailing the Final Decision and Order is September 21, 2012.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.