

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Windham Board of Education

Appearing on behalf of the Parents:

Attorney John Flanders  
57 Washington Road  
Cromwell, CT 06416

Appearing on behalf of the Board:

Attorney Susan Freedman  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

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 program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not?
3. Does the Student require an out of district therapeutic program in order to receive FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Learning Disabled 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 2013-2014 school year. The Parents requested an out of district therapeutic program. The Board refused the Parents' request.

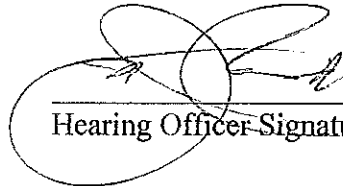
On January 13, 2014, the Board received notice of the Parents request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation was held on February 10, 2014. An impartial hearing officer was appointed on January 15, 2014 and a pre-hearing conference was held on January 17, 2014. A hearing date of February 25, 2014 was chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the matter had been settled and requested that it be withdrawn with prejudice. 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 March 28, 2014.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print