

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Parents: Attorney Lawrence W. Berliner
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1720 Post Road East, Ste. 214 E
Westport, CT 06880

Appearing on behalf of the Board: Attorney Michelle C. Laubin
Berchem, Moses & Devlin, P.C.
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 2014-2015 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If so;
2. Should the Board reimburse the Parents for their unilateral placement of the Student at Winston Preparatory School including transportation?
3. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Is the unilateral placement of the Student at the Winston Preparatory School for the 2015-2016 school year appropriate and does it provide the student with a meaningful education?
5. Is the Student entitled to Compensatory Education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism 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 PPT meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year. The Parents requested reimbursement for their unilateral placement at the Winston Preparatory School for the 2015-2016 school year. The Board refused the Parents' request.

On July 16, 2015, the Board received notice of the Parents' request for due process. The parties agreed to a resolution meeting. The resolution meeting was scheduled for July 20, 2015. An impartial hearing officer was appointed on July 15, 2015 and a pre-hearing conference was held on July 23, 2015. A hearing date of September 3, 2015 was chosen by the parties.

September 24, 2015

Final Decision and Order 16-0024

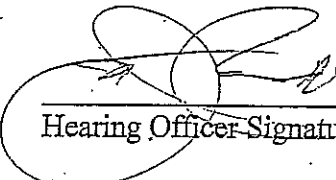
In an electronic transmission, the parties advised the hearing officer that they were able to resolve the matter. The Parents' attorney requested a withdrawal of the matter with prejudice. The date for mailing the Final Decision and Order is September 28, 2015.

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