

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Parent: Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
70 Hebron Avenue  
Glastonbury, Ct 06033

Appearing on behalf of the Board: Attorney Susan Freedman  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, Connecticut 06103-1919

Appearing before: Justino Rosado, Esq., 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 free and appropriate public education (FAPE ) in the least restrictive environment (LRE)?
2. Was the unilateral placement of the Student at the Academy of the Holy Family in Baltic, Connecticut from January 2012 to the end of the 2012-2013 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Should the Board be responsible for the cost of the unilateral placement of the Student at the Academy for the Holy Family?
4. 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?
5. Is the program requested by the Parents at Change Academy Lake of the Ozarks (CALO) in Lake Ozark, Missouri appropriate and does it provide FAPE in the LRE?
6. Is the Student entitled to Compensatory Education for the denial of FAPE?
7. Should the Board reimburse the Parents for the cost of counseling for the Student during the 2011-2012 school year?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Speech and Language Impairment 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 2012-2013 school year. The Parents requested placement at Change Academy Lake of the Ozarks, in Lake Ozark, Missouri for the 2012-2013 school year. The Board refused the Parents' request.

On January 7, 2013, 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 session was held on February 26, 2013.

An impartial hearing officer was appointed on January 8, 2013 a pre-hearing conference was held January 17, 2013. A hearing date of March 13, 2013 was chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties requested cancelation of the hearing date as the parties were waiting for the agreement to be finalized. March 18, 2013 was provided as a new hearing date if a withdrawal was not received in a timely manner. The withdrawal was not received in a timely manner; at the hearing the withdrawal with prejudice was noted on the record.

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 24, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**