

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. East Windsor Board of Education

Appearing on behalf of the Parents: Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
100 Riverview Center, Ste. 120  
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Christine L. Chinni  
Chinni & Meuser LLC  
30 Avon Meadow Lane  
Avon, CT 06001

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)?
2. 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;
3. Is the program at Options Employment and Educational Services for the 2015-2016 school year appropriate and does it provide the student FAPE?
4. Does the Student require extended school year services for the 2015-2016 school year in order to receive FAPE?
5. Did the Board provide the Student with a safe school environment in order to receive FAPE?
6. Did the Board provide the Student with a copy of the 2014-2015 school year PPT in a timely manner?
7. Did the Board provide proper notice for the February 2014 PPT in order to allow the Parent to be meaningful participants of the PPT?
8. Did the Board provide proper notice for the April 9, 2014 triennial in order to allow the Parent to be meaningful participants of the PPT?
9. Did the Board provide proper notice for the May 13, 2015 PPT in order to allow the Parent to be meaningful participants of the PPT?
10. Is the Student entitled to Compensatory Education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Specific Learning Disability 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 et seq.

At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2015-2016 school year. The Parent requested placement at Options Employment and Educational Services for the 2015-2016 school year. The Board refused the Parent's request and the Parent filed for due process.

An impartial hearing officer was appointed on July 20, 2015 and a pre-hearing conference was held on July 28, 2015. The hearing dates chosen by the parties were October 1, November 2, 10, 24, December 3, 2015, January 7, 11, 13 and 19, 2016. The December 3, 2015 and January 11, 13 and 19, 2016 hearing dates were cancelled.

At the January 7, 2016 hearing date, the parties requested time to see if they could resolve the matter. After conferring the parties advised the hearing officer that an agreement had been reached, but they needed additional time to finalize and ratify the agreement. In an electronic transmission dated January 14, 2016, the Parent's attorney withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The mailing date for the Final Decision and Order is January 23, 2016.

**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