

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Glastonbury Board of Education

Appearing on Behalf of the Parents: Attorney Courtney F. Spencer
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Glastonbury, CT 06033

Appearing on Behalf of the Board: Attorney Susan C. Freedman
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If yes;
2. Should the Board reimburse the parent for their unilateral placement of the Student at Franklin Academy for the 2010-2011 school year from August 2010?
3. Should the Board reimburse the Parent for the independent evaluation of the Student by Dr. Ciocca?
4. Is the Student entitled to compensatory education for the denial of FAPE?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 16 year old student who has not been identified as entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent requested that the Student be identified as entitled to receive a free and appropriate public education as identified in IDEA. The Board refused the Parent's request.

On or about October 19, 2010, the Board received notice of the Parent's request for due process. The parties agreed to mediate the matter rather than attend a resolution meeting.

An impartial hearing officer was appointed on October 21, 2010, and a pre-hearing conference was scheduled for November 1, 2010. The parties agreed to December 15 and 16, 2010 as hearing dates.

A mediation session was held on November 23, 2010. The parties were able to resolve the matter but requested cancellation of the hearing dates and an extension of the mailing date in order to finalize and clarify some language

On or about January 31, 2011 the Student's attorney notified the hearing officer that the agreement had been ratified and withdrew the request for due process with prejudice.

In order to accommodate the mailing of a final decision and order after the hearing date and to finalize and clarify some language, the date for the mailing of the Final Decision and Order was extended.

The date for the mailing of the Final Decision and Order is February 2, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.