

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 9 Board of Education

Appearing on behalf of the Parent:

Lauren Peterson, Esq.
Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Suite B
Danbury, CT 06811

Appearing on behalf of the Board:

Marsha Moses, Esq.
Berchem, Moses & Devin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer FAPE in the 2013-2014, 2014-2015 and 2015-2016 school year?
2. If not, does Student require a residential therapeutic placement?
3. Is placement at Kolob Canyon residential treatment center appropriate?
4. If so, should the Board be required to reimburse parents for the costs of tuition, transportation and education related expenses at Kolob Canyon residential treatment center?
5. Should the Board be required to reimburse parents for the costs of tutoring and related expenses in the 2013-2014 and 2014-2015 school years including ESY?
6. Do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:


The Parent filed the Due Process Complaint and Request for Hearing on July 28, 2015. The Hearing Officer was appointed on the same day and conducted a Prehearing Conference on August 6, 2015. The mailing date of the decision was extended so that the parties could engage in mediation and the hearing was scheduled for October 20, 2015. On the first day of hearing, the parties jointly requested a postponement of the hearing date and an extension of the mailing date of the Final Decision because they were actively negotiating settlement of the issues in dispute. The parties' request was granted and the hearing date was postponed to December 3, 2015 and the mailing date of the Final Decision was extended to December 11, 2015. On December 3, 2015, the Parent's attorney reported to the Hearing Officer that the Parent was withdrawing the Due Process Complaint without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without 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

Sylvia Ho

Hearing Officer

Name in Print