

July 10, 2012

Final Decision and Order 12-0385

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on Behalf of the Parents: Attorney Courtney F. Spencer
Law Offices of Courtney F. Spencer
701 Hebron Avenue
Glastonbury, CT 06033

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)? If not;
2. Did the unilateral placement of the Student at the Home Autism Rehabilitation Program (HARP) for the 2011-2012 school year provide the Student with FAPE in the LRE?
3. 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?
4. Should the Student be provided with extended school year (ESY) services for the 2012 summer in order to receive FAPE?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at the HARP for the 2011-2012 school?
6. Should the Board reimburse the Parents for any additional expenses for the denial of FAPE for the 2011-2012 school year?
7. Is the Student entitled to compensatory education for the denial of FAPE for the 2011-2012 school year?
8. Did the Parents' actions impede the Board from provide the Student FAPE?

FINAL DECISION AND ORDER

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 planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2011-2012 school year. The Parents requested placement of the Student at the HARP. The Board refused the Parents' request.

On or about April 23, 2012, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on April 23, 2012 and a pre-hearing conference was held on April 26, 2012. Hearing dates of June 26, and 27, 2012 were chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter be withdrawn without prejudice as the parties had not formalized the agreement. The withdrawal without prejudice was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is July 11, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.