

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Manchester Board of Education v. Student

Appearing on Behalf of the Parents:

Pro Se

Appearing on Behalf of the Board:

Attorney Linda Yoder
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
2. Does the program at Ben Bronz Academy provide the Student with FAPE in the LRE?
3. Should the Board be responsible for the cost of the Student's placement at Ben Bronz Academy?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance 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. At a PPT meeting, the Parents requested continued placement of the Student at Ben Bronz Academy. The Board refused the Parents' request.

On August 16, 2011 a hearing officer was appointed. A recusal was filed by the Hearing Officer. Another impartial hearing officer was appointed on August 26, 2011, and a pre-hearing conference was scheduled for September 2, 2011. Hearing dates of September 22 and October 4, 2011 were chosen by the parties. On or about September 8, 2011, the Board requested that the matter be withdrawn since the placement the Student was seeking would not accept the Student. The Parents also requested a clarification on stay put. The Board's request for withdrawal was denied and a stay put order was issued.

The matter was mediated by the parties and a resolution was agreed to by the parties. The Board requested a withdrawal without prejudice; the request was granted. The date for the mailing of the Final Decision and Order was extended to accommodate the mediation and the hearing dates. The mailing date for the Final Decision and Order is November 9, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.