

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. R.S.D. No. 9 Board of Education

Appearing on behalf of the Student: Attorney Courtney P. Spencer
100 Riverview Center, Suite 290
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Board's proposed program for the Student for ESY 2013 and the 2013-14 school year appropriate?
2. If not, is the Parents' placement of the Student at Wellspring from July 2013 through the 2013-14 school year appropriate?
3. Shall the Board reimburse the Parents for the Wellspring placement for ESY 2013 and the 2013-14 school year?

PROCEDURAL HISTORY/DISCUSSION:

The Board received this request for hearing on September 24, 2013 and a prehearing conference convened on September 30, 2013. At the prehearing conference the parties stated that they agreed to mediation, although mediation had not yet been scheduled. The parties agreed to a November 21, 2013 hearing date at the prehearing conference.

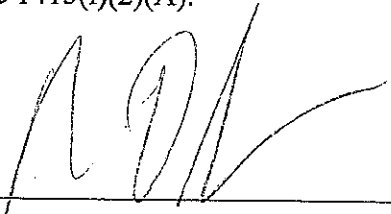
After the mediation concluded, the parties requested that additional hearing dates be scheduled and requested an extension of the mailing date to allow for the scheduling of the additional December 2, 2013 hearing. Prior to the November 21 hearing date, the Parents' attorney requested that the hearing be postponed as the parties were finalizing a settlement agreement, which was granted. On November 27, 2013, the Parents' attorney submitted notification that the parties had finalized the agreement and that the Parents withdraw their due process request with prejudice. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.

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).

A handwritten signature in black ink, appearing to read 'M. Oppenheim', is written over a horizontal line.

Attorney Mary Elizabeth Oppenheim
Hearing Officer