

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Windsor Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer
The Law Office of Courtney Spencer, LLC
701 Hebron Avenue
Glastonbury, CT 06033

Appearing on behalf of the Board: Attorney Susan Freedman
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board from March 27, 2010 through August 2010 inappropriate, and if so, was the Student denied a Free Appropriate Public Education (FAPE) as a result?
2. Was the program provided by the Board for the 2011-2012 school year inappropriate and if so, was the Student denied FAPE as a result?
3. If the Board's 2011-2012 program was inappropriate, is the Parents' proposed placement at Ben Bronz Academy appropriate?
4. Is the Student entitled to compensatory education for the March 27, 2010-August 2010 and 2011-2012 school years?
5. Did the Board commit procedural violations, including, but not limited to, untimely evaluations, that resulted in a denial of a FAPE?
6. Did Parents' refusal to make child available for evaluations during the 2010-2011 school year in a timely fashion prevent the Board from conducting the evaluations the Parents claim were untimely?

SUMMARY:

On March 28, 2012, the Windsor Board of Education received a Request for a Special Education Due Process Hearing from Attorney for the Student. The undersigned hearing officer was appointed on March 28, 2012. A prehearing conference was held on April 2, 2012 and hearing dates of June 6 and June 7, 2012 were set. The original deadline for the mailing of the Final Decision and Order was June 11, 2012. Attorney for the Student filed a request for extension on April 4, which was granted by this hearing officer on April 10, 2012 and a new deadline for the mailing of the Final Decision and Order was set for July 11, 2012. Attorney for the Student filed a second request for extension on May 4, 2012, which was granted on May 11, 2012 and the deadline for the mailing of the Final Decision and Order was extended to August 10, 2012. On June 28, 2012, Attorney for the Student sent a letter to the hearing officer indicating the parties had reached a settlement and Student's Request for a Special Education Due Process Hearing was being withdrawn with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed with prejudice.