

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 9 Board of Education

Appearing on behalf of the Parent: Attorney Courtney P. Spencer
Law Offices of Courtney P. Spencer
701 Hebron Avenue
Glastonbury, CT 06033

Appearing on behalf of the Board: Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. 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?
2. Should the Student be placed in the Winston Preparatory School for the 2012-2013 school year?
3. Should the Board reimburse the Parents for their placement of the Student at Winston Preparatory School and transportation for the summer of 2012?

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 Parent rejected the program offered by the Board for the 2012-2013 school year. The Parent requested placement at Winston Preparatory School for the 2012-2013 school year. The Board refused the Parent's request.

On August 16, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on August 17, 2012 and a pre-hearing conference was held on August 27, 2012. Hearing dates of November 14, 29 and December 6 and 7, 2012 were chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter but needed additional time to finalize the agreement. On November 30, 2012 the Parent's attorney advised the hearing officer that the agreement had been finalized and requested that the matter be withdrawn with prejudice. The withdrawal with prejudice was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is December 4, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.