

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Windham Board of Education

Appearing on behalf of the Parents:

Attorney Bet Gailor
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872 Main Street
Willimantic, CT 06226

Appearing on behalf of the Board of Education:

Attorney Linda L. Yoder
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Hartford, CT 06103-2819

Appearing before:

Attorney Justino Rosado
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2002-2003 school year appropriate as required by 20 U.S.C. § 1401 et seq?
2. Was the program offered by the Board for the 2003-2004 school year appropriate as required by 20 U.S.C. § 1401 et seq?
3. Is the program offered for the student at Brookside School in Massachusetts provide the student with FAPE as required by 20 U.S.C. § 1401 et seq?
4. Should the Parents be reimbursed for the student's residential placement at Brookside School in Massachusetts?
5. Is the student entitled to Compensatory Education for the 2002-2003 and 2003-2004 school years?

SUMMARY

The student is a thirteen year old young man who has been identified as a student with an emotional disturbance and multi-disabled as defined in by 20 U.S.C. § 1401 et seq, and eligible for special education and related services. The Parents on July 31, 2003 requested a residential placement of the student which was refused by the district. The Parents

requested voluntary services from the Department of Children and Families. The Department of Children and Families placed the student at Brookside School in Massachusetts. The Parents requested a due process hearing on November 14, 2003. The parties attempted to mediate this matter on November 24, 2003 but the mediation was not successful. A pre-hearing conference was conducted on December 5, 2003 and initial hearing dates were agreed. The hearing dates chosen were January 12, 20, 23 and February 26, 2004.

The Parents' attorney sent a fax transmittal to the hearing officer requesting the cancellation of the hearing dates and the withdrawal of the matter without prejudice. The Hearing Officer granted the withdrawal without prejudice.

FINAL DECISION AND ORDER

The matter is **DISMISSED**, without prejudice