

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on Behalf of the Parents: PRO SE.

Appearing on Behalf of the Board: Michelle C. Laubin, Esq.  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The student is a 6 years and 7 month young man who has been identified with Autism and is entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parents rejected the summer program for the 2005 school year and requested payment for their unilateral placement at the Smart Program for the summer of 2005. The Board refused the Parents' request and the Parents requested a Due Process Hearing. The Parents also included as an issue for the Due Process Hearing, whether the Board committed a procedural violation by not considering an expert's opinion for the student's summer program.

On June 2, 2005, a Hearing Officer was appointed. A pre-hearing conference was held on June 17, 2005 and agreed upon hearing date of July 18 and 22, 2005 were scheduled. In a letter dated July 14, 2005, the Parents informed the Hearing Officer that the matter had been settled and the hearing request was withdrawn with prejudice. The hearing date of July 18 and July 22, 2005 was cancelled.

At the request of the parties, in order to accommodate the filing of a final order and decision after the hearing dates, the date for the filing of the Final Order and Decision was extended for 30 days.

The date for the Final Order and Decision was extended by agreement of the parties to August 18, 2005.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**