

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Windham Board of Education

Appearing on Behalf of the Parents: Catherine Cushman, Esq.  
Connecticut Legal Services  
872 Main Street  
Willimantic, CT 06626

Appearing on Behalf of the Board: Pro Se

Appearing Before: Attorney Justino Rosado  
Hearing Officer

**ISSUES:**

1. Is the Program offered by the Board for the 2007-2008 school year, appropriate and did it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2. Does the Therapeutic Day Program at Joshua Center provide the Student with FAPE in the LRE?
3. Should the Board pay for an Independent Educational Evaluation of the Student's reading and writing skills?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 11 years and 6 month young boy who has been identified with emotional disturbance 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. At the May 16, 2008 PPT meeting, the parent's rejected the program offered by the Board for the 2007-2008 school year. The Parents requested placement at a Therapeutic Day Program at Joshua Center. The Board refused the Parent's request.

On or about June 27, 2008, the Board received notice of the Parent's request for due process. A resolution meeting was held on July 11, 2008.

An impartial hearing officer was appointed on June 25, 2008 and a pre-hearing conference was held on July 3, 2008. A hearing date of August 11, 2008 was chosen by the parties.

In a letter the Parent's attorney requested that the August 11, 2008 be postponed for 30 days as the parties had reached an agreement and the Parent would withdraw if the issues were resolved to the Parent's satisfaction. The hearing officer was informed that the matter had not been resolved to the Parent's satisfaction. A hearing date of August 27, 2008 was agreed to by the parties.

At the August 27, 2008, hearing the parties were able to resolve the matter and it was withdrawn with prejudice.

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

The date for the Final Decision and Order is October 1, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**