

**DEPARTMENT OF EDUCATION**

Student v. New Britain Board of Education

Appearing on Behalf of the Parents: Marisa A. Mascolo, Esq.  
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Appearing on Behalf of the Board: Attorney Michael P. McKeon  
Sullivan, Schoen & Connon, LLC  
646 Prospect Avenue  
Hartford, Connecticut 06105-4286

Appearing Before: Attorney Justino Rosado  
Hearing Officer

**ISSUES:**

1. Was the program offered by the Board for the 2006-2007 school year appropriate and did it provide the Student with 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?
2. Was the program offered by the Board for the 2007-2008 school year appropriate and did it provide the Student with FAPE as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a?
3. Was the program offered by the Board for the 2008-2009 school year appropriate and did it provide the Student with FAPE as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If not;
4. Does the program at the Intensive Education Academy for the 2008-2009 school year provide the Student with FAPE in the least restrictive environment (LRE)?
5. Is the Student entitled to compensatory education for the 2006-2007 school year?
6. Is the Student entitled to compensatory education for the 2007-2008 school year?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 13 year old young man who has been identified as a student with autism requiring special education and is entitled to receive a free and appropriate public

education as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Student's Parents rejected the Board's IEP for the 2008-2009 school-year. The Parents were requesting that the Student be placed at the Intensive Education Academy for the 2008-2009 school year. The Board rejected the Parents' request. On or about July 14, 2008 the Parents sent the Board a letter advising them that they were requesting a due process hearing.

On or about July 14, 2008 an impartial special education officer was appointed to hear the matter. A prehearing conference was held on August 6, 2008. The parties decided on September 4, 5, 8 & 10, 2008 as hearing dates.

The parties had a resolution meeting on or about August 13, 2008. On or about August 14, 2008 the hearing officer received a letter from the Parents advising that the matter had been resolved and the request for hearing was being withdrawn.

The date for the mailing of the Final Decision and Order is September 27, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITH PREJUDICE.**