

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

**Student v. Stamford Board of Education**

**Appearing on Behalf of the Parents:** Attorney Alyce Alfano  
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433 South Main Street, Suite 102  
West Hartford, CT 06110

**Appearing on Behalf of the Board:** Attorney Julie C. Fay  
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One Constitution Plaza  
Hartford, CT 06103-1919

**Appearing Before:** Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Was the program and related services offered by the Board for the 2007-2008 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
2. Was the unilateral placement of the Student at Franklin Academy for the 2007-2008 school year appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
3. Is the program and related services offered by the Board for the 2008-2009 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq? If not;
4. Was the unilateral placement of the Student at Franklin Academy for the 2008-2009 school year appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
5. Should the Board reimburse the Parent for the unilateral placement of the Student at the Franklin Academy for the 2007-2008 school?
6. Should the Board reimburse the Parent for the unilateral placement of the Student at the Franklin Academy for the 2008-2009 school?

**FINAL DECISION AND ORDER****SUMMARY and PROCEDURAL HISTORY:**

The Student is a 16 year and 5 month young man who has been identified as Autistic and is not 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 a PPT meeting the Parent’s requested placement of the Student at the Franklin Academy. The Board denied the Parents’ request and the Parents filed for due process.

On or about November 25, 2008, the Board received notice of the Parents’ request for due process. Mediation was held on February 10, 2009.

An impartial hearing officer was appointed on November 26, 2008 and a pre-hearing conference was held on December 4, 2008. A hearing date of January 20, 2009 was chosen by the parties.

In a letter dated January 6 2009, the Parents’ attorney requested that the January 20, 2009 hearing dates be postponed as the parties’ mediation date was scheduled for February 10, 2009. At the mediation session, the matter was settled and the parties requested additional time to memorialize the agreement. In a letter dated April 8, 2009 the Parents’ notified the hearing officer that the matter was withdrawn with prejudice.

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

The date for the Final Order and Decision is April 14, 2009.

**.FINAL ORDER AND DECISION:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**