

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

District Board of Education v. Student

Appearing on Behalf of the Parents: Attorney Alyce Alfano
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 103
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Marsha B. Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the out of district placement of the Student appropriate and provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Should the Student be returned to the Board’s school in order to receive FAPE in the LRE?

FINAL ORDER AND DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The student is a 9 years and 1 month young boy who has been identified as having Autism and is entitled to receive a free and appropriate public education (“FAPE”) as defined in The Individuals with Disabilities Educational Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the May 5, 2009 PPT meeting, the parent’s requested that the Student be returned to the Board’s in-district school. The Board refused the parent’s request and requested due process. The Board received notice of the request for due process on May 7, 2009 and a resolution meeting was scheduled for June 9, 2009.

An impartial hearing officer was appointed on May 7, 2009 and a pre-hearing conference was held on May 20, 2009. A hearing date of July 1, 2009 were chosen by the parties.

In a letter dated June 26, 2009 the Board requested that the hearing date be cancelled since the parties had settled the matter but needed additional time to finalize the agreement.

On or about July 22, 2009 the Board advised the hearing officer that the Board was withdrawing their request for due process.

The date for the mailing of the Final Decision and Order is August 1, 2009.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED.