

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District 17

Appearing on Behalf of the Parents: Attorney Maria A. Mascolo
Klebanoff & Alfano, P.C.
433 South Main Street, Ste. 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Rebecca R. Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If yes;
2. Does the program at St. Thomas Moore School provide the Student with FAPE in the LRE for the 2009-2010 school year?
3. Is the Student entitled to Compensatory Education for the procedural violation and the violation of child find which denied the Student FAPE during the 2007-2008 school year?
4. Is the Student entitled to Compensatory Education for the procedural violation and the violation of child find which denied the Student FAPE during the 2008-2009 school year?

SUMMARY and PROCEDURAL HISTORY:

This matter was heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administration Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

The Student is an 18 and one half years old man who has not been identified as a student who is entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

At a PPT, the Board stated that the Student did not meet the requirements to receive special education and related services as defined in IDEA, The parents objected and requested that the Student be identified. The Board denied the Parents’ request and the Parents requested a due process hearing. The Board received notice of the request for due process on or about July 15, 2009.

On July 22, 2009, an impartial hearing officer was appointed. A pre-hearing conference was held on July 29, 2009 and hearing dates of August 27, 2009 and September 3, 2009 were chosen by the parties. The parties attended a mediation session on or about August 5, 2009.

In a facsimile transmission, the Parent's attorney advised the hearing officer that the matter was settled and the Parent was withdrawing the request for due process with prejudice.

The date for the Final Decision and Order is September 21, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.