

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education

Appearing on Behalf of the Parents:

Attorney James C. Wing, Jr.
619 Hopmeadow Street
Simsbury, CT 06070

Appearing on Behalf of the Board:

Attorney Melinda B. Kaufmann
Assistant Corporation Counsel
550 Main Street
Hartford, CT 06103

Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the Program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE?
2. Was the Program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE? If not;
3. Does the Student require an out of district placement?
4. Is the Student entitled to compensatory education for the denial of FAPE?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent rejected the program offered by the Board for the 2011-2012 school year and requested an out of district placement. The Board refused the Parent's request.

On August 15, 2011, the Board received notice of the Parent's request for due process. An impartial hearing officer was appointed on August 16, 2011 and a prehearing conference was held on September 2, 2011. A hearing date of October 18, 2011 was chosen by the parties.

On August 24, 2011, the Board filed a sufficiency challenge. The due process complaint was found not sufficient and the Parent's attorney filed an amended complaint on September 1, 2011. The amended complaint altered the timelines of the original request for due process.

In an electronic transmission dated October 18, 2011, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter at a resolution meeting and that the matter was withdrawn with prejudice. The withdrawal with prejudice was granted. The date for the mailing of the Final Decision and Order was extended to November 14, 2011 to accommodate the hearing date.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.