

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

Appearing on behalf of the Parent: Attorney Courtney F. Spencer
Law Offices of Courtney F. Spencer
100 Riverview Center, Suite 290
Middletown, CT 06457

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

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the transition plan provided by the Board appropriate? If not;
3. Is the student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities and is entitled to receive 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 et seq. At a planning and placement team (PPT) meeting, the Parents rejected the exiting of the Student from special education. The Parents requested compensatory education for the denial of FAPE. The Student is over the age of twenty-one. The Board refused the Parents' request. On June 18, 2014, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was scheduled. An impartial hearing officer was appointed on June 18, 2014 and a pre-hearing conference was held on June 26, 2014. Hearing dates of September 4 and 5, 2014 were chosen by the parties.

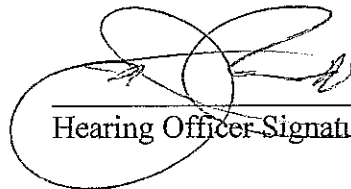
The Board filed a Motion to Dismiss alleging that the issues were barred by a prior settlement agreement. The Parents filed a timely objection. The Motion to Dismiss was denied; the issues presented were for a school year not covered by the prior settlement agreement. In an electronic transmission, the Parents' attorney advised the hearing officer that the matter had been resolved and withdrew the matter with prejudice. The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is August 29, 2014.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print