

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Suffield Board of Education

Appearing on Behalf of the Parents: Nicole A. Bernabo, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Pro Se

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2004-2005 school year appropriate and provide the student with a free and appropriate public education (FAPE) according to the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §§1401 et seq?
2. Was the program offered by the Board for the 2005-2006 school year appropriate and provide the student with a free and appropriate public education (FAPE) according to the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §§1401 et seq?
3. Is the program offered by the Board for the 2006-2007 school year appropriate and provide the student with a free and appropriate public education (FAPE) according to the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §§1401 et seq?
4. Was the evaluation provided by the Board appropriate?
5. Was the summer program for the summer of 2005 appropriate?
6. Was the summer program for the summer of 2006 appropriate?
7. Is CREC River Street an appropriate placement for the student and does it provide the student with FAPE?
8. Should the Board be responsible for the cost of the placement at CREC River Street for the remainder of the 2005-2006 school year and the 2006-2007 school year?
9. Are the Parents entitled to compensatory education for the student for the 2005-2006 and the 2006-2007 school year?

SUMMARY and PROCEDURAL HISTORY:

The student is a 5 years and 6 months boy who has been identified as a student who is autistic and requires special education. The student is entitled to receive a free and appropriate public education as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The student's Parents rejected the Board's IEP's for the 2004-2005, 2005-2006 and 2006-2007 school-years. The Parents are seeking that the student be placed at CREC River Street, an out-of-district placement. The Board rejected the Parents' request.

On or about March 12, 2006, the Board received a letter advising them that the Parents were requesting a due process hearing. On or about March 10, 2006 an impartial special education officer was appointed to hear the matter. The parties waived a resolution meeting and instead decided to have a mediation session. A telephonic pre-hearing conference was held on March 21, 2006 and hearing dates of May 10, 11, 16 and 17, 2006 were chosen by the parties.

The Parents' attorney filed two motions, one for the production of records which the Board agreed to provide all the information and records in their file and a motion for the Director of Pupil Services to recuse herself and not to represent the Board in the due process hearing. This motion was denied.

The Parents in a letter stated that the matter had been settled and the Parents were withdrawing the request for due process without prejudice.

In order to accommodate the hearing dates, the date for the Final Decision and Order was extended to June 27, 2006.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.