

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing on Behalf of the Parents: Attorney Marisa A. Mascolo
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Appearing on Behalf of the Board: Attorney Linda L. Yoder
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Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the Board provide the Student with a free and appropriate public education (FAPE) during the 2008-2009 school year as required in the Individuals with Disabilities Education Improvement Act (IDEIA)?
2. Should the Board reimburse the Parents for their unilateral placement of the Student at the Westgate Wilderness Therapeutic Program during the 2008-2009 school year?
3. Does the Therapeutic Day Treatment Diagnostic Program at the Institute of Living provide the Student FAPE for the 2009-2010 school year? If not;
4. Does the program at Watkinson School provide the Student with FAPE in the least restrictive environment (LRE) for the 2009-2010 school year?
5. Should the Board reimburse the Parent for their unilateral placement of the Student for the 2009-2010 school year?

FINAL ORDER AND DECISION

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in IDEIA, 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents were not in agreement with the program being provided to the Student and requested placement at the Watkinson School in Hartford, Connecticut. The Board denied the parent's request and the Parent filed for due process. An impartial hearing officer was appointed on December 7, 2009 and a pre-hearing conference was held on December 15, 2009. A resolution meeting was held by the parties. Hearing dates of December 22, 2009 and December 23, 2009 were chosen by the parties. In a letter from the Parents' attorney, the hearing officer was informed that the matter was settled and the Parents requested that the hearing be withdrawn without prejudice.

At the request of the parties, and in order to accommodate the mailing of the Final Decision and Order after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is April 7, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.