

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Farmington Board of Education

Appearing on Behalf of the Parents: Attorney Chris Barrington
Barrington Law Center
94 Park Terrace Avenue
West Haven, CT 06516

Appearing on Behalf of the Board: Attorney Julie C. Fay
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is Robotics a related service that the Student requires in order to receive a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
2. Should the Board provide transportation to Robotics with a 1-1 highly qualified para?
3. Whether the Board denied the Student FAPE by refusing to recommend extended time for homework completion?
4. Did the Board commit a procedural violation by not allowing the parent to be a meaningful participant at the Student's PPT?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The student is 14 years and 11 months old who 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 Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent requested that the Board provide Robotics as a related service. The Board denied the Parent's request and the Parent requested due process.

On or about February 5, 2010, the Board received notice of the Parent's request for due process. A resolution meeting was scheduled for February 22, 2010 and mediation was held on March 10, 2010. An impartial hearing officer was appointed on February 8, 2010 and a pre-hearing conference was held on February 16, 2010. . Hearing dates of April 5, 8, 12, and 14, 2010 were chosen by the parties.

On about February 15, 2010 the Board filed a sufficiency challenge to the Parent's request for due process. At the prehearing conference the challenge was discussed and granted and the Parent was instructed to resubmit the request for due process by the agreed date of February 19, 2010. The Parent filed a timely revised due process complaint.

In an email, the Parent's attorney informed the hearing officer that the matter was resolved and being withdrawn without prejudice. Upon a request as to why the matter was being withdrawn without prejudice if it had been resolved, the Board's attorney informed the hearing officer that all issues were not resolved and the parties agreed to withdraw the matter without prejudice.

At the request of the parties and in order to accommodate the mailing of a 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 May 16, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.