

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Regional School District # 14

Appearing on Behalf of the Parents: Attorney John A. Cvejanovich
O'Connell, Flaherty & Attmore, LLC
1350 Main Street
Springfield, MA 01103-1628

Appearing on Behalf of the Board: Attorney Rebecca Santiago
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the Board deny the Student FAPE and interfere with the Parents' right to meaningful participation in the annual review of the 2010-2011 IEP by (a) failing to assess progress in the goals and objectives and (b) failing to allow the Parents to provide input to the Student's Present Levels of Performance?
2. Did the Board unilaterally delete services from the Student's February and April 2011 IEP outside of the PPT, thereby denying the Student 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 Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents alleged that the Board interfered with their right to meaningful participation in the Student's IEP. The Board denied the Parents allegations. The Parents filed for due process. On or about May 22, 2011, the Board received notice of the Parents' request for due process. A resolution meeting was scheduled.

An impartial hearing officer was appointed on May 22, 2011, and a pre-hearing conference was scheduled for June 6, 2011. A Sufficiency Motion was filed on June 5, 2011. The request for due process was found not to be sufficient. The Parents filed an amended request for due process on July 1, 2011. The amended request changed the timeline for the request for due process.

In a letter, the Student's Parents requested a withdrawal of their due process request without prejudice. The Parents' attorney had a medical issue and would not be able to present the Parents' case in a timely manner. The Board did not object to the withdrawal without prejudice. The date for the mailing of the Final Decision and Order is October 12, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.