

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 14 Board of Education

Appearing on behalf of the Parent:

Attorney Courtney Spencer
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100 Riverview Center, Suite 120
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Rebecca Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. The time frame at issue proceeds from 07/01/2014 through the 2014-2015 academic year.
2. Does the proposed Individualized Education Program (“IEP”) offered by the Region 14 Board of Education (“Board”) for the academic year 2014-2015 provide the Student with a free and appropriate public education (“FAPE”)?
3. Does the Student require an extended school year (“ESY”) program for the 2014 summer time period?
4. Does the Student require a full residential placement to receive a FAPE?
5. If so, is Franklin Academy an appropriate placement?
6. If so, are the Parents entitled to reimbursement for the unilateral placement at Franklin Academy and the ESY program(s) offered to the Student from that unilateral placement?
7. Are the Parents entitled to reimbursement for any independent educational evaluations (“IEE”) that have been completed at the Parents’ request, to date?

PROCEDURAL HISTORY:

The complaint was filed by the Parents on May 20, 2014. A prehearing conference was held on June 4, 2014, from which the issues above were identified. A due process hearing date was initially set for July 24, 2014. The Board filed a Motion to Dismiss on June 20, 2014. An objection to the Motion to Dismiss was filed by the Parents on June 27, 2014. The Hearing Officer asked if the Parties wished to have a hearing on the Motion to Dismiss, and if not, to provide information to specific questions raised by the Hearing Officer. On July 1, 2014, Counsel for the Board informed the Hearing Officer that Parents’ counsel was on vacation and would not be able to respond to the question if a hearing was desired. Counsel for the Board also indicated that the Parties had a PPT and mediation on July 10, 2014 and requested if the Parties could respond to those specific questions after July 10, 2014. Counsel also indicated that she would withdraw her Motion to Dismiss until after July 10, 2014 and the Parties were able to respond to the questions. On July 11, 2014 the Parents filed a Motion to Extend the Resolution

August 1, 2014

Final Decision and Order 14-0548

period for an additional thirty days for settlement purposes. The Board had no objection to the extension, which was granted. The July 24, 2014 hearing date was cancelled and re-scheduled to August 5, 2014. On July 31, 2014, Counsel for the Parents, via email, withdrew the complaint on behalf of the Parents, with prejudice.

FINAL DECISION AND ORDER:

The Parents have requested that this matter be withdrawn with prejudice. With no further issues to be decided, this 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(1)(2)(A).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print