

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 15 Board of Education

Appearing on behalf of the Parent: Attorney Kelly Neyra
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Waterbury, CT 06721-1110

Appearing on behalf of the Board: Attorney Julie Fay
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Region 15 Board of Education (“Board”) deny the Student a free and appropriate public education (“FAPE”) for the 2012-2013 academic years?
2. Did the Board deny the Student a FAPE for the 2013-2014 academic years?
3. Did the Board deny the Student a FAPE for the 2014-2015 academic years?
4. Does/Did the Student require an extended school year (“ESY”) program and placement for the summer of the 2013-2014 academic years?
5. Does the Student require an out-of-district program and placement in order for the Student to receive a FAPE for the time periods in question?
6. If the answer to Issue Number 5 is YES, does The Marvelwood School offer an appropriate program and placement for the Student for the 2014-2015 academic years?
7. Are the Parents entitled to reimbursement for the independent educational evaluations (“IEE’s”) completed by Dr. Suscovich; Dr. Pulaski; and Mrs. Nolan?
8. If the Board is found to have denied a FAPE to the Student during any of the time periods addressed by this complaint, is the Student entitled to compensatory education and/or related services?
9. If the answer to Issue Number 8 is YES, what would be the appropriate compensatory education and/or services?

PROCEDURAL HISTORY:

The Parents filed the initial request for a due process hearing on June 13, 2014. A prehearing conference was held on June 30, 2014, during which the issues identified above were agreed upon. The Parents also requested to amend the complaint, to which the Board had no objection. The Parties agreed that the timelines for the amended

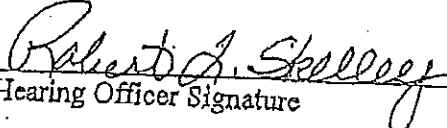
complaint would be moved forward based on the number of days passing before the amended complaint was received and a ten day period for the Board to respond. The Board filed a Motion to Dismiss and a Motion to Strike on June 19, 2014. The Parents filed a Response to the Motion to Dismiss on June 23, 2014 and an Objection to the Motion to Strike on June 25, 2014. On June 26, 2014 the Hearing Officer issued a decision on both motions, granting the Motion to Dismiss issues related to 2015-2016, and 2016-2017 school years; and granting in part the Motion to Strike portions of the complaint that discussed the mediation that the Parties had participated in. Initial hearings dates were set for August 20, 2014; September 3, 4, and 5, 2014. On August 1, 2014, via email, Counsel for the Parents notified the Hearing Officer that the Parents were withdrawing the complaint for due process 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(i)(2)(A).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print