

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newington Board of Education

Appearing on behalf of the Parent: Attorney Kelly Neyra
Carmody, Torrance Sandak & Hennessey, LLP
50 Leavenworth Avenue
Waterbury, CT 06721

Appearing on behalf of the Board: Attorney Leander A. Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the program provided by the Board for the 2014-2015 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Does the program at Ben Bronz Academy offer the Student FAPE in the LRE?
3. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Speech and Language Impaired and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2014-2015 school year. The Parent requested that the Student be placed at Ben Bronz Academy. The Board refused the Parent's request.

On September 6, 2014, the Board received notice of the Parent's request for due process. The parties agreed to waive a resolution session and go to mediation. The date of the mediation was September 22, 2014. An impartial hearing officer was appointed on September 9, 2014 and a pre-hearing conference was held on September 16, 2014. A hearing date of September 28, 2014 was chosen by the parties.

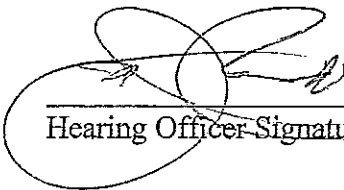
On September 25, 2014, in an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter but needed additional time to ratify the agreement. The Parent's attorney requested that the matter be withdrawn without prejudice. The Board agreed with the Parent's attorney's request. The withdrawal was granted. The date for mailing the Final Decision and Order is November 20, 2014.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT 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

Justino Rosado
Hearing Officer Name in Print