

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 5 Board of Education

Appearing on behalf of the Parents: Attorney Gerry McMahon
Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Suite 3B
Danbury, Connecticut 06811

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE?
3. Does the Student require extended day and extended school year services for the 2015-2016 school year in order to receive FAPE in the LRE?
4. Does the Student require an out of district placement in order to receive FAPE in the LRE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Dyslexia and is entitled to receive FAPE in the LRE as defined in the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statutes §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year and requested an out of district placement, an extended school day and an extended school year, all at public expense. The Board refused the Parents' request and the Parents filed for due process.

The Board received notice of the request for due process on October 21, 2015. An impartial hearing officer was appointed on October 21, 2015 and a pre-hearing conference was held on October 30, 2015. The parties attended a resolution session on October 29, 2015. In an electronic transmission, the Parents' attorney advised the hearing officer that they were withdrawing the matter without prejudice. There was no objection from the Board. The date for mailing the Final Decision and Order is January 4, 2016.

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