

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. East Lyme Board of Education

Appearing on Behalf of the Parents: Andrew A. Feinstein, Esq
Law offices of David C. Shaw
34 Jerome Avenue, Suite 215
Bloomfield, CT 06002

Appearing on Behalf of the Board: Fredrick L. Dorsey, Esq.
Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Avenue
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program and related services offered by the Board for the 2006-2007 appropriate and did it provide the student with FAPE according to 20 USC 1401 et seq? If not,
2. Is the unilateral placement of the student at Sherwood Academy able to provide the student with FAPE in the least restrictive environment?
3. Should the Board reimburse the parent for the unilateral placement of the student at Sunhawk Academy in Utah?

SUMMARY AND PROCEDURAL HISTORY:

The student is a 17 years and 5 month young man who has been identified as emotionally disturbed and is entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

On or about January 19, 2007, the parents rejected the program offered to the student for the 2006-2007 school year. The parents requested placement of the student at Sunhawk Academy in St. George, Utah and reimbursement of the unilateral placement at Sunhawk Academy. The Board refused the parents' request and the parents request a Due Process Hearing.

On February 5, 2007, a Hearing officer was appointed. A pre-hearing conference was held on February 9, 2005 and an agreed upon hearing date of March 27, 2007 was scheduled. The Board received notice of the request for hearing on or about February 1 2007. The Board filed a Motion to Dismiss challenging the sufficiency of the request for due process. The parents' attorney filed a timely response and the motion was held in abeyance based on the parties' attempt to settle the matter.

The parties agreed to mediation and the matter was resolved in mediation.

At the request of the parties and in order to accommodate the filing of a final decision and order after the hearing dates, the date for the issuance of the Final Decision and Order was extended.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.