

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Granby Board of Education

Appearing on Behalf of the Parent: Attorney Marisa A. Mascolo
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433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Linda L. Yoder
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One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student eligible for special education and related services as defined in 20 U.S.C. §§ 1401 et seq? If yes;
2. Was the program offered by the Board for the 2008-2009 school year appropriate and in the least restrictive environment (LRE)?
3. Is the program offered by the Board for the 2009-2010 school year appropriate and will it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)? If not;
4. Does the program at Kingswood-Oxford provide the Student with FAPE in the LRE?
5. Is the Board required to pay for the unilateral placement of the Student for the 2008-2009 school year?
6. Is the Board required to pay for the unilateral placement of the Student for the 2009-2010 school year?
7. Should the Board be responsible for the payment of the independent psychological evaluation of the Student?

FINAL ORDER AND DECISION

SUMMARY and PROCEDURAL HISTORY:

The Student is a 12 year and 7 month old child who has not been identified as a student entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

The Parent requested that the Student be identified as a student entitled to receive special education and related services. The Board denied the Parent’s request and the Parent filed for due process.

On or about May 11, 2009, the Board received notice of the Parent's request for due process. In place of a resolution meeting the parties mediated the matter.

An impartial hearing officer was appointed on May 8, 2009 and a pre-hearing conference was held on May 21, 2009. A hearing date of July 7, 2009 was chosen by the parties. In a letter dated June 24, 2009, the Parent's attorney requested that the July 7, 2009 hearing date be postponed as the parties were in discussions to resolve the matter.

In a letter dated June 30, 2009, the Parent's attorney informed the hearing officer that the matter was settled and the hearing was withdrawn with prejudice.

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

The date for the mailing of the Final Decision and Order is August 8, 2009.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED WITH PREJUDICE.