

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on Behalf of the Parents: Pro Se

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the program and related services offered by the Board for the 2009-2010 school year appropriate and does it provide the Student with FAPE according to 20 USC 1401 et seq? If not;
2. Should the Student attend the District's High School for the 2009-2010 school year in order to receive FAPE in the least restrictive environment?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 15 year old man who has been identified with Emotional Disturbances 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. At a PPT meeting, the Parents rejected the program offered by the Board for the 2009-2010 school year. The Parents requested placement at the District's High School for the 2009-2010. The Board refused the Parents' request.

On or about July 10, 2009, the Board received notice of the Parents' request for due process. The parties had a resolution meeting on July 21, 2009. An impartial hearing officer was appointed on July 10, 2009 and a pre-hearing conference was held on July 21, 2009. A hearing date of September 1, 2009 was chosen by the parties. On August 5, 2009 the Parents e-mailed a letter to the hearing officer requesting a withdrawal on the matter without prejudice in order to be able to retain legal counsel.

The date for the mailing of the Final Decision and Order is September 23, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.