

**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 offered by the Board for the 2009-2010 school year appropriate and does it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2. Does an out of district placement provide the Student with FAPE in the LRE?

FINAL ORDER AND DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is 13 years and 10 months old, has been identified with Autism, and is 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. At the June 2009 PPT meeting, the Parents rejected the program offered by the Board for the 2009-2010 school year. The Parents requested an out of district placement. The Board refused the Parents’ request.

On or about August 20, 2009, the Board received notice of the Parents’ request for due process. An impartial hearing officer was appointed on August 24, 2009 and a pre-hearing conference was scheduled for September 3, 2009. At the request of the parties the pre-hearing was rescheduled for September 22, 2009.

In an electronic transmission dated September 16, 2009, the Parents requested that they be allowed to withdraw the matter without prejudice. There was no objection by the Board.

The date for the mailing of the Final Decision and Order is October 4, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.