

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Board of Education v. Student

Appearing on behalf of the Parent: Attorney Dana Jonson  
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13 Starr Lane  
Bethel, CT 06801

Appearing on behalf of the Board: Attorney Susan C. Freedman  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before: Mary H.B. Gelfman, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Board's determination that the Student is a danger to himself and others in his current special education placement correct?
2. If so, is placement in an out-of-district therapeutic day program appropriate to his special education needs in the least restrictive environment?

**PROCEDURAL HISTORY:**

This hearing was requested as an expedited hearing by the Board on May 3, 2011, and the Hearing Officer was appointed on May 3, 2011. The date for mailing the decision was June 17, 2011. By agreement of the Parties, the case was scheduled for hearing on May 26 and June 1, 2011. The case was settled in mediation, and the Board withdrew the request for hearing on May 19, 2011.

All motions and objections not previously ruled upon, if any, are hereby overruled.

**SUMMARY:**

The Student, a twelve year old sixth grader, has autism and had been placed in a self contained classroom on a shortened day schedule at the Board's Middle School. The Student's behavior had worsened recently, and after a psychiatric evaluation the Planning

and Placement Team recommended placement in a therapeutic day program. Parent initially resisted out-of-district placement, but agreed in mediation.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent", and titles of school staff members and other witnesses in place of names and other personally identifiable information.

**FINAL DECISION AND ORDER:**

The dispute having been settled and the Board's request for hearing having been withdrawn, this case is DISMISSED without prejudice.