

July 11, 2012

Final Decision and Order 12-0419

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Pomfret Board of Education

Case No. 12- 0419

Appearing on behalf of the Parents

Attorney Courtney Spencer
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701 Hebron Avenue
Glastonbury, CT 06033

Appearing on behalf of the Board

Attorney Rebecca Santiago
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One Constitution Plaza
Hartford, CT 06103

Appearing before:

Attorney Sylvia Ho, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education (BOE) provide Student with a Free Appropriate Public Education (FAPE) for the 2011-12 school year after the expiration settlement agreement?
2. Did the BOE offer Student a FAPE for the 2012-13?
3. Did the BOE violate Student's procedural and substantive due process rights after the expiration of the settlement agreement?
4. Should the BOE be required to financial support a private alternative placement for the 2012-2013 school year?
5. Should the BOE be required to reimburse Parents for the evaluation conducted by Parents' expert?
6. Do the circumstances warrant awarding compensatory education?

SUMMARY:

Parent initiated a Request for Due Process Hearing on May 11, 2012, which was received by the Board on the same day. The original mailing date of the final decision was July 25, 2012. The Board filed an Answer to the Due Process Complaint on May 16, 2012 wherein the Board disputed the Parents' allegations. A prehearing conference was held on May 22, 2012 and a hearing scheduled for July 11, 2012. The timeline for the mailing of the Final Decision was extended to August 24, 2012 upon motion of the Parents. Prior to the scheduled hearing, on July 5, 2012, the Parents' attorney informed the Hearing Officer by electronic mail that the parties had reached an agreement and the Parents were withdrawing their hearing request without prejudice pending the full execution of the agreement.

FINAL DECISION AND ORDER:

The matter is hereby DISMISSED WITHOUT PREJUDICE.