

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parent: Attorney David DeRosa
Attorney at Law
42 Terrace Avenue
Naugatuck, CT 06770

Appearing on behalf of the Board: Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Avenue
Stamford, CT 06901

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the Student require placement at Woodhouse Academy for the 2015-2016 school year in order to receive FAPE in the LRE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statutes §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2015-2016 school year and requested placement at Woodhouse Academy for the 2015-2016 school year. The Board refused the Parent's request. The Parent filed for due process.

On July 22, 2015, the Board received notice of the Parent's request for due process. The father is not the custodial Parent or legal guardian of the Student. An impartial hearing officer was appointed on July 22, 2015 and a pre-hearing conference was held on August 7, 2015. At the pre-hearing conference, the Board gave notice that they were going to file a Motion to Dismiss and requested a briefing schedule; the parties agreed to a schedule. On August 13, 2015, the Board filed a timely Motion to Dismiss with accompanying Memorandum of Law. The Parent's attorney requested an extension to respond to the Board's motion. The Board did not object to the extension. The response to the motion was extended to August 26, 2015.


In an electronic transmission dated August 25, 2015, the Parent's attorney informed the hearing officer that the matter was withdrawn. The mailing date of the Final Decision and Order is October 5, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print