

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Hartford Board of Education and Charter School Board of Directors

Appearing on Behalf of Surrogate Parent: Attorney Sarah H. Eagan
Center for Child Advocacy
University of Connecticut School of Law
65 Elizabeth Street
Hartford, CT 06105

Appearing on Behalf of the Hartford Board: Attorney Melinda B. Kaufmann
Assistant Corporation Counsel
Hartford Board Of Education
550 Main Street
Hartford, CT 06103

Appearing on Behalf of the Charter School: Attorney Elizabeth K. Adams
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81 Wethersfield Avenue Suite 2
Hartford, CT 06114-1121

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board during the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Does the Student require consultative services by a certified learning disabilities expert from Ben Bronz Academy in order to receive FAPE in the LRE?
3. Is the Student entitled to compensatory education for the denial of FAPE for the 2011-2012 school year?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Learning Disabled 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 Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Surrogate Parent rejected the program offered by the Board for the 2011-2012 school year. The Surrogate Parent requested consultative

services from a certified learning disabilities expert. The Board refused the Surrogate Parent's request.

On or about April 18, 2012, the Board received notice of the Surrogate Parent's request for due process. The parties agreed to go to a resolution meeting. The resolution meeting was held on May 7, 2012. An impartial hearing officer was appointed on April 3, 2012 and pre-hearing conferences were held on March 27, 2012 and April 12, 2012. A hearing date of June 28, 2012 was chosen by the parties.

On June 15, 2012, the Surrogate Parent's attorney amended the due process complaint. The parties were advised that the amendment would change the timelines of the mailing date for the Final Decision and Order. In an electronic transmission, the Surrogate Parent's attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter would be withdrawn with prejudice as soon as the parties formalized the agreement. On August 22, 2012, the Surrogate Parent's attorney sent a withdrawal of the matter.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The final date for mailing the Final Decision and Order is August 29, 2012.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.