

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Winchester Board of Education

Appearing on behalf of Student: Parent, *Pro Se*

Appearing on behalf of the Board: Attorney Mark Sommaruga
Sullivan, Schoen, Campana & Schoen, LLC
24 Stony Hill Road, Suite 106
Bethel, CT 06081

Appearing before: Attorney Robert L. Skelley, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is High Road Academy the appropriate placement for the Student?
2. Does the current program offered in the May 24, 2012 Individualized Education Plan ("IEP") offer the Student a free and appropriate public education ("FAPE")?
3. If the answer to either question No. 1 or No. 2 is no; what is the proper program and placement for the Student?
4. Does the Student require the previous additional services offered prior to the May 24, 2012 IEP, which occurred during the holiday/vacation time of the academic year, and the extended school year?

SUMMARY:

The due process hearing was requested by the Parent and received by the Board on June 11, 2012. The Parent requested that one hearing officer hear this case and a sibling case rather than two separate hearing officers. After consultation with the Hearing Officer involved in the sibling matter, the request to have one hearing officer hear both matters was granted. On June 22, 2012 the Hearing Officer involved in the sibling matter recused herself from the case and this hearing officer took on both matters. A pre-hearing conference was held on July, 2, 2012, where the parties identified the above issues as the issues for hearing. The parties stated that they wanted to utilize mediation to attempt to resolve the matter. The Parent, with the consent of the Board, requested an extension of the resolution period in order to allow for mediation to occur. The request was granted. An initial hearing date was set for August 15, 2012. On August 15, 2012, a Due Process Hearing convened at the Winchester Board of Education. The Parent was present, with the Board attorney present telephonically (with permission from the Hearing Officer). At the start of the hearing, the Hearing Officer entered the Notice of Complaint and the appointment of the Hearing Officer as Exhibits 1 and 2 respectively. The Parent then stated on the record that she wished to withdraw the request for a Due Process Hearing as the parties had just reached agreement; the Board attorney agreed that an agreement had been reached. At this point, the due process hearing ended.

FINAL DECISION AND ORDER:

This matter is **DISMISSED** without prejudice.