

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Killingly Board of Education

Appearing on behalf of the Parent (Mother):           Attorney Catherine Cushman  
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Appearing on behalf of the Board:                   Attorney Rebecca R. Santiago  
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Appearing before:                                   Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Does the Student require an out-of-district placement in order to receive a free appropriate public education?
2. Is the Board required to have the Student evaluated by the Institute of Living's School Avoidance Program as requested by the Parent at two planning and placement team meetings?

**PROCEDURAL HISTORY:**

The Parent (Mother) mailed a letter to the State Department of Education ("SDE") on November 19, 2009 requesting a due process hearing. The SDE received the letter and the Board received a copy of the letter on December 3, 2009. This Hearing Officer was assigned to the case on December 7, 2009. On December 17, 2009, the Board's attorney filed an appearance and a sufficiency challenge to the complaint. A prehearing conference was held on December 22, 2009 with the Parent and the Board's attorney. The Board agreed to the Parent's request for mediation, two issues were identified for the due process hearing and a hearing date was agreed on for February 2, 2010. The mailing date for the final decision was set at February 16, 2010. The Board's attorney also agreed to hold the sufficiency challenge in abeyance pending mediation. On January 5, 2010, the SDE sent a notice that mediation was scheduled on January 27, 2010. On January 25, 2010, the Board's attorney filed a joint request for postponement of the hearing to allow sufficient time to resolve the matter or to prepare for a hearing if the matter could not be resolved. The parties also requested an extension of the mailing date for the final decision. The requests were

granted, a hearing date was scheduled for February 24, 2010 and the mailing date for the final decision was extended to March 22, 2010. On January 28, 2010, the SDE notified the hearing officer that the parties had reached an agreement at the mediation and that the Parent would advise the hearing officer on the status of the due process request. On February 11, 2010, the Parent's attorney filed an appearance and stated that the Parent was withdrawing the due process request without prejudice with the Board's consent.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed without prejudice.