

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. East Lyme Board of Education

Appearing on Behalf of the Parents:

Attorney Courtney F. Spencer
Law Offices of Courtney F. Spencer
970 Farmington Ave., Ste.304
West Hartford, CT 08107

Appearing on Behalf of the Board:

Attorney Melanie Dunn
Siegel, O'Connor, O' Donnell & Beck, P.C.
50 Trumbull Avenue
Hartford, CT 06103

Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program offered by the Board from June 2009 to September 2010 appropriate and did it provide the Student with a free and appropriate public education (FAPE) in least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the unilateral placement of the Student at Riverview School appropriate and does it provide the Student with FAPE in The LRE?
4. Should the Board pay for the unilateral placement of the Student at Riverview for the 2011-2012 school year?
5. Should the Board pay for the cost of the 2011 summer program at Riverview?
6. Is the Student entitled to compensatory education for the June 2009 to September 2010 denial of FAPE?

FINAL DECISION AND ORDER

SUMMARY AND PROCEDURAL HISTORY:

The Student has been as identified with Multiple Disabilities and is entitled to receive a free and appropriate public education ("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. At a PPT meeting, the Parent rejected the program offered by the Board for the 2011-2012 school year. The Parents requested placement of the Student at Riverview School. The Board refused the Parents' request.

On or about June 21, 2011, the Board received notice of the Parents' request for due process. The parties agreed to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on June 24, 2011 and a pre-hearing conference was held on July 1, 2011. Hearing dates of July 25 and 26, 2011 were chosen by the parties.

September 9, 2011

Final Decision and Order 11-0436

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the parties needed additional time to formalize the agreement.

On or about September 2, 2011, the parties informed the hearing officer that the agreement had been ratified and the matter should be dismissed with prejudice.

In order to accommodate the mailing of the final order and decision, the parties agreed to extend the mailing date. The date for the mailing of the Final Decision and Order is October 4, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.