

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. East Haddam Board of Education

Appearing on behalf of the Parent: Attorney Courtney Spencer  
The Law Office of Courtney Spencer, LLC  
100 Riverview Center, Suite 290  
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Frederick Dorsey  
Kainen, Escalera & McHale, P.C.  
21 Oak Street, Suite 602  
Hartford, CT 06106

Appearing before: Robert L. Skelley, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the East Haddam Board of Education ("Board") deny the Student a free and appropriate public education ("FAPE") by failing to provide an appropriate program for the school years 2011-2012 and 2012-2013?
2. Did the Board deny the Student a FAPE by failing to provide an appropriate Extended School Year ("ESY") program for the 2011-2012 and 2012-2013 school years?
3. Did the Board deny the Student a FAPE by failing to provide an appropriate program and ESY program for the 2013-2014 school years?
4. Does the Student require an out of district placement, and if so, is Franklin Academy appropriate?
5. If the Board did deny the Student FAPE, what is the appropriate remedy?

**PROCEDURAL HISTORY:**

The complaint was filed on November 14, 2013 by the Parent. A prehearing conference was held on December 6, 2013 where the issues stated above were identified. A due process hearing was scheduled for January 6, 2014, with the final decision and order date set for January 28, 2014. On December 13, 2013, counsel for the Parents, in writing, withdrew the complaint with prejudice.

**FINAL DECISION AND ORDER:**

The complaint was withdrawn with prejudice, in writing, by the Parents on December 13, 2013. With no further issues to be decided in this matter, it is **DISMISSED** with 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

Robert L. Skelley, Esq.

Hearing Officer      Name in Print