

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Portland Board of Education

Appearing on Behalf of the Parents: Attorney John M. Flanders  
57 Washington Rd.  
Cromwell, CT 06416

Appearing on Behalf of the Board: Attorney Susan C. Freedman  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Did the program offered by the Board for the 2007-2008 school year provide the Student a free and appropriate public education (FAPE) as defined in 20 U.S.C. §§ 1401 et seq?
2. Did the program offered by the Board for the 2008-2009 school year provide the Student with FAPE as defined in 20 U.S.C. §§ 1401 et seq?
3. Did the Board properly implement the assistive technology recommendations?
4. Was the transition plan provided by the Board appropriate?
5. Did the Student meet the requirements to graduate? If not;
6. Does the Student require a post secondary education at the Thames Academy at Mitchell College?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents requested that the Student not be allowed to graduate and just be allowed to walk with the graduating class. The Board denied the Parents’ request and the Parents filed for due process.

On or about June 12, 2009, the Board received notice of the Parents’ request for due process. A Resolution meeting was held on June 24, 2009. An impartial hearing officer was appointed on June 12, 2009 and a pre-hearing conference was held on June 25, 2009. Hearing dates of August 3 & 20, 2009 were chosen by the parties.

The Parents obtained counsel and the hearing dates were cancelled in order to allow the parties’ time to mediate the matter. A hearing date of October 9, 2009 was agreed to by the parties. In a letter from the

Parents' attorney, the hearing officer was informed that the matter was settled and the hearing was withdrawn without prejudice.

At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing dates, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is December 17, 2009.

**FINAL ORDER AND DECISION:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**