

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwich Free Academy and Preston Board of Education

Appearing on behalf of the Parent: Pro Se

Appearing on behalf of the Norwich Free Academy:

Attorney Marsha B. Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing on behalf of the Preston Board of Education:

Attorney Kyle M. McClain
Siegel, O'Connor, O'Donnell & Beck, P.C.
50 Trumbull Avenue
Hartford, CT 06103

Appearing before:

Attorney Justino Rosado
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Preston Board of Education and/or Norwich Free Academy violate child find by not identifying the Student as requiring special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)? If yes;
2. Is the education being provided to the Student for the 2013-2014 school year appropriate and does it provide him with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is the Student entitled to compensatory education?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive 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 et seq.

At a planning and placement team (PPT) meeting, the Parents rejected the finding that the Student was not eligible for special education and related services. The Parents requested a finding of eligibility. The Board refused the Parents' request.

On November 27, 2013, the Board received notice of the Parents' request for due process. The parties agreed to mediate the matter. The mediation date was February 4, 2014.

An impartial hearing officer was appointed on November 14, 2013 and pre-hearing conferences were held on November 21, 2013 and December 5, 2013. Hearing dates of January 29 and 30, 2014 chosen by the parties. The parties requested cancelation of the hearing dates to allow the parties to mediate the matter. A February 20, 2014 hearing date was chosen by the parties.

The Preston Board of Education filed a sufficiency challenge and the Parents cured the request for due process on December 17, 2013. The Norwich Free Academy and the Preston Board of Education filed a Motion to Strike certain allegations in the Parents' due process request. The Parents did not object to the Motion to Strike. The allegations were stricken.

The Parents submitted a letter advising the hearing officer that the matter was resolved and requested a withdrawal of the matter with prejudice.

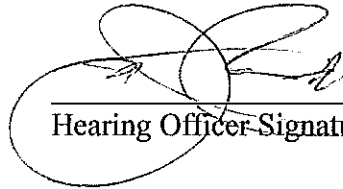
The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is March 10, 2014.

FINAL DECISION AND ORDER:

THE MATTER 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

Justino Rosado
Hearing Officer Name in Print