

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on Behalf of the Parents: Attorney Nora A. Belanger
Law Office of Nora Belanger, LLC
10 Wall Street
Norwalk, CT 06850

Appearing on Behalf of the Board: Attorney Marsha B. Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program and related services offered by the Board for the 2007-2008 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
2. Was the program provided by the Board for the summer 2008 appropriate and did it provide the Student with FAPE in the least restrictive environment (LRE)?
3. Is the program and related services offered by the Board for the 2008-2009 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
4. Should the Board pay for the placement of the Student at the Foundation School for the 2008-2009 school year and extended school year for the summer 2009?
5. Should the Board reimburse the Parents for the tutoring and services paid by the Parents during the 2007-2008 school year?
6. Did the Board commit procedural violations that caused a denial of FAPE to the Student during the 2007-2008 and 2008-2009 school years?
7. Is the Student entitled to compensatory education for the denial of FAPE to the student during the 2007-2008 and 2008-2009 school years?
8. Should the Board reimburse the Parents for the independent evaluation of the Student?
9. Should the Board provide the Student with transportation to and from the Foundation School?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 4-year-old young boy who has been identified as developmentally delayed and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the August 26, 2008 PPT meeting, the Parents rejected the program offered by the Board for the 2008-2009 school year. The Parents requested placement at the Foundation School for the 2008-2009. The Board refused the Parents’ request.

On or about December 3, 2008, the Board received notice of the Parents’ request for due process. The parties agreed not to have a resolution meeting and instead agreed to mediate the matter. Mediation was held on February 23, 2009.

An impartial hearing officer was appointed on December 3, 2009 and a pre-hearing conference was held on December 19, 2009. A hearing date of January 29, 2009 was chosen by the parties. The Parents’ attorney requested a postponement of the hearing date in order to give the parties sufficient time to mediate the matter.

In a letter emailed to the hearing officer, the Parents’ attorney advised the hearing officer that the matter had been settled. The parties informed the hearing officer that the hearing was withdrawn with prejudice.

In order to accommodate the parties in mediating the matter, the date for the mailing of the Final Decision and Order was extended to April 10, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.