

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Vernon Board of Education

Appearing on behalf of the Parents: Attorney David Shaw
The Law Offices of David Shaw LLC
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Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Michael McKeon
Sullivan, Schoen & Connon, LLC
646 Prospect Avenue
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Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's program for the Student for 2008-09 school year was appropriate.
2. Whether the Board failed to appropriately implement the IEP, and whether the Board failed to provide adequate supplementary supports and services and modifications to the general curriculum.
3. Whether the Board unilaterally modified the IEP outside of the PPT process which constituted a procedural violation.
4. Whether the Board shall retain an independent educational consultant and/or independent consultant to assist the PPT in the development and implementation of an appropriate IEP and behavior plan, attend all planning meetings, make observations in educational environments, review documents and data, train the professional and paraprofessional staff, consult with Parents and school staff as needed and prepare written reports monthly based on data analysis and recommendations as to changes.

5. Whether the Board shall provide a continuous twelve month, thirty hour per week program for the Student.
6. Whether the Board shall retain a private agency to provide skilled paraprofessional and professional support to implement the Student's program.
7. Whether the Student is entitled to compensatory education to place him in the position he would have been in had an appropriate program been provided to him during the 2008-09 school year.

SUMMARY:

The Board received this request for hearing on March 24, 2009. A prehearing conference convened on April 9, 2009 and the first hearing date was scheduled for May 1, 2009. Immediately prior to the first hearing date the Board's attorney notified the hearing officer that the Board offices would be closed on the scheduled hearing date as a staff member had possible swine flu. The hearing was continued to May 11, 2009. At the May 11, 2009 hearing date, the Board's representative and the Parents' attorney confirmed that the case was settled.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.