

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Glastonbury Board of Education

Appearing on behalf of the Parents: Attorney Jennifer D. Laviano
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Sherman, CT 06784

Appearing on behalf of the Board: Attorney Susan Freedman
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One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the ESY program for the summer of 2007 appropriate?
2. Was the ESY program for the summer of 2008 appropriate?
3. Was the program for the 2008-2009 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
4. Is the program offered by the Board for the 2009-2010 school year and the ESY program for the summer of 2009 appropriate and does it provide the Student with FAPE in the LRE? If not;
5. Should the recommendations of Dr. Powers and Dr. Milanese be incorporated in the Student's IEP for the 2009-2010 school year?
6. Should the hours of the BCBA be increased in order to provide the Student with FAPE?
7. Should the Parents be reimbursed for the evaluations performed of the Student by Dr. Powers and Dr. Milanese?
8. Did the Board impede the Parents from having meaningful input into the creation of the Student's IEP for the 2008-2009 and the 2009-2010 school years?
9. Did the Board fail to call for a PPT as requested by the Parents?
10. Is the Student entitled to Compensatory Education for these procedural violations which impeded the Student from obtaining FAPE during the 2008-2009 school year?
11. Is the Student entitled to Compensatory Education for these procedural violations which impeded the Student from obtaining FAPE for the ESY programs during the summer of 2007 and the summer of 2008?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 8 year old boy who has been previously identified as having Autism 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 the recommendations of Dr. Powers and Dr. Milanese be incorporated in the Student's IEP for the 2009-2010 school year. The Board denied the Parents' request and the Parents filed for due process.

On or about June 4, 2009, the Board received notice of the Parents' request for due process. The Parents and the Board agreed to waive a resolution meeting and the parties had a mediation session on July 13, 2009.

An impartial hearing officer was appointed on June 4, 2009 and a pre-hearing conference was held on June 16, 2009. A hearing date of July 30, 2009 was chosen by the parties.

In a letter dated July 14, 2009, the hearing officer was informed that the matter was settled. In an electronic mail transmission the Parents' attorney informed the hearing officer that the parties needed to ratify the agreement and that the matter was withdrawn without prejudice.

The date for the mailing of the Final Decision and Order is August 31, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.