

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Attorney Nora A. Belanger
Law Offices of Nora A. Belanger, LLC
10 Wall Street
Norwalk, CT 06850

Appearing on behalf of the Board: Attorney Craig S. Meuser
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to provide an appropriate special education program for the Student for the 2007-2008 school year and extended year 2008?
 - a. Did the Board address the Student's behavioral disability appropriately?
 - b. Did the Board provide the Student with an appropriate functional behavior assessment?
 - c. Did the Student fail to progress during the 2007-2008 school year?
 - d. Did the Board reduce inclusion of the Student with non-disabled peers due to behavioral concerns?
 - e. Did the Board provide properly trained and qualified staff to work with the Student?
 - f. Did the Board offer an appropriate extended year program for the Student, to address lack of progress made during the 2007-2008 school year?
 - g. Did the Board provide appropriate supervision for the Student's program?
 - h. Did the Board provide an appropriate social skills program for the Student?
 - i. Did the Board have lowered expectations for the Student?
 - j. Did the Board provide inadequate related services to the Student?
 - k. Did the Board's special education program for the Student in 2007-2008 lack appropriate intensity?

2. Did the Board fail to provide an appropriate special education program for the Student for the 2008-2009 school year and extended year 2009?
 - a. Did the Board address the Student's behavioral disability appropriately?
 - b. Did the Board provide the Student with an appropriate functional behavior assessment?
 - c. Did the Student fail to progress during the 2008-2009 school year?

- d. Did the Board reduce inclusion of the Student with non-disabled peers due to behavioral concerns?
 - e. Did the Board provide properly trained and qualified staff to work with the Student?
 - f. Did the Board offer an appropriate extended year program for the Student, to address lack of progress made during the 2008-2009 school year?
 - g. Did the Board provide appropriate supervision for the Student's program?
 - h. Did the Board provide an appropriate social skills program for the Student?
 - i. Did the Board have lowered expectations for the Student?
 - j. Did the Board provide inadequate related services to the Student?
 - k. Did the Board's special education program for the Student in 2008-2009 lack appropriate intensity?
3. Did the Board fail to provide an appropriate special education program for the Student for the 2009-2010 school year?
- a. Did the Board address the Student's behavioral disability appropriately?
 - b. Did the Board propose an appropriate functional behavior assessment for the Student?
 - c. Did the Board Develop an Individualized Education Program (IEP) that was reasonably calculated to provide the Student with educational benefits in 2009-2010?
 - d. Did the Board propose appropriate modifications and accommodations for the Student's inclusion in 2009-2010?
 - e. Did the Board propose properly trained and qualified staff to work with the Student?
 - f. Did the Board appropriate supervision for the Student's program/
 - g. Did the Board propose an appropriate social skills program for the Student?
 - h. Did the Board's goals and objectives for 2009-2010 reflect lowered expectations for the Student?
 - j. Did the Board propose adequate related services to the Student?
 - k. Did the Board's proposed special education program for the Student in 2009-2010 lack appropriate intensity?
4. Did the Board make the following procedural errors in working with the Student's Parents?
- a. Did the Board propose a special education program for the Student in a timely manner?
 - b. Did the Board adequately address the Parents' concerns?
 - c. Did the Board address safety concerns for the Student?
 - d. Did the Board allow the Parents to be equal members of the IEP team process?
 - e. Did the Board's IEP Team address the Parents' private evaluations of the Student, by denying diagnosed and documented disabilities?

PROCEDURAL HISTORY:

This hearing was requested on September 7, 2009, and a pre-hearing conference was held by conference telephone call on October 6, 2009. The deadline for mailing the final decision and order was November 21, 2009. The Parties requested mediation in lieu of a resolution session, and requested a 30-day extension of the decision date. That request was granted by the Hearing Officer and the mailing date was extended to December 21, 2009. After mediation sessions on October 28, 2009 and November 6, 2009, the Parties continued to work toward an agreement. They requested a postponement of the hearing date from November 19, 2009 to December 1, 2009, and the Hearing Officer granted that postponement. On November 25, 2009,

the Board requested another postponement of the December 1, 2009 hearing session, which was opposed by the Parents on November 27, 2009. The Hearing Officer denied the request for a second postponement on November 27, 2009.

When the hearing convened on December 1, 2009, the Parties reported that they had concluded an agreement and the Parents were withdrawing their request for a hearing.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The Student is ten years old and has Autism and several other serious disabilities. The Parents feel that the services provided to their son in 2007-2008 and 2008-2009 were inadequate. They also challenge the IEP and placement offered for 2009-2010. The Parents requested reimbursement for private evaluations, residential placement or extended day home services at the May Institute, reimbursement for medical expenses for a head injury that occurred at school, and two years of compensatory education.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses “Student”, “School”, “Parent” and titles of school staff members and other witnesses in place of names and other personally identifiable information.

CONCLUSIONS OF LAW:

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

FINAL DECISION AND ORDER:

Because this matter has been settled and the request for hearing withdrawn, the case is DISMISSED.