

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Willington Board of Education

Appearing on Behalf of the Parents: Pamela Pollak, Esq.  
P.O. Box 401  
Southport, CT 06890

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Did the Board fail to provide the Student with a FAPE for the 2008-2009 school year?
2. Did the Board fail to provide the Student with a FAPE for the 2009-2010 school year? If Yes;
3. Should the placement for the Student be a therapeutic residential placement for the 2009-2010?
4. Whether Board monitored student progress toward meeting goals and objectives in the school year 2008-2009?
5. Whether Board monitored student progress toward meeting goals and objectives in the school year 2009-2010?
6. Is the Student entitled to compensatory education for the denial of FAPE for the procedural violation of not allowing the parent to be a meaningful participant during the PPTs for 2008-2009 school year?
7. Is the Student entitled to compensatory education for the denial of FAPE for the procedural violation of not allowing the parent to be a meaningful participant during the PPTs for the 2009-2010 school year?
8. Should the Board fund an independent educational evaluation of the Student?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 14 year old student who has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Educational Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the program offered by the Board for the 2009-2010 school year. The Parents requested that the Student be placed at a therapeutic residential program. The Board refused the Parent's request.

On or about February 1, 2010, the Board received notice of the Parent's request for due process. Mediation was held on March 29, 2010 and the parties were unable to reach an agreement.

An impartial hearing officer was appointed on February 4, 2010 and a pre-hearing conference was held on February 22, 2010. Hearing dates of April 27, 28, 30, 2010 and May 4, 6 and 7, 2010 were chosen by the parties.

The April 30, May 4 and 6, 2010 hearing dates were cancelled by the parties and additional hearing dates of May 17, 18 and 20, 2010 were chosen by the parties. After a brief recess, on the third hearing date, May 7, 2010, the Parent's attorney advised the hearing officer that the matter was resolved. The parties informed the hearing officer that the hearing was withdrawn with prejudice.

At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing dates, the date for the filing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is June 27, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**