

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student by Parents v. Board of Education

Appearing on behalf of the Parent: Attorney Anne I. Eason
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Appearing on behalf of the Board: Attorney Peter Murphy
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Appearing before: Attorney Mary H.B. Gelfman, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to propose and provide an appropriate special education program and placement for the 2007-2008, the 2008-2009, and the 2009-2010 school years, including:
 - A. Did the Board fail to appropriately address the Student's social issues? Did the Board fail to propose appropriate social skills services for the Student?
 - B. Did the Board know what the Student needed, but refuse to provide those services?
 - C. Did the Board refuse to allow the Student to return to his school?
 - D. Did the Board refuse to address the Student's sensory issues?
 - E. Did the Board fail to appropriately address the Student's disability?
 - F. Did the Board fail to address the Student's emotional issues?
 - G. Did the Board fail to provide a program in which the Student would progress in academic subjects?
 - H. Did the Board fail to provide appropriate Individualized Education Program (IEP) modifications and accommodations for the Student?
 - I. Did the Board fail to offer or provide measurable goals and objectives for the Student?
 - J. Did the Board fail to offer or provide an appropriate Functional Behavior Analysis (FBA) or a Positive Behavior Plan for the Student?
 - K. Did the Board fail to offer or provide appropriate assistive technology for the Student?
 - L. Did the Board fail to provide highly qualified staff for the Student?
 - M. Did the Board fail to provide a highly qualified neuropsychologist to evaluate the Student?
 - N. Did the Board fail to evaluate in all areas of the Student's suspected disabilities?

2. Did the Board fail to propose or provide an extended school year (ESY) program for the summers of 2007, 2008, or 2009, to address the Student's disability and the lack of progress made during the school year, including:
 - A. Did the Board fail to address the Student's social skills?
 - B. Did the Board ignore the Student's emotional issues?
 - C. Did the Board fail to address the Student's sensory issues?
 - D. Did the Board fail to address the Student's behavioral issues?
 - E. Did the Board fail to involve the Parent in ESY discussions?
 - F. Did the Board fail to provide the Student with appropriate assistive technology?

3. Did the Board fail to follow the procedural requirements of state and federal law during the school years 2007-2008, 2008-2009, and 2009-2010?
 - A. Did the Board fail to implement IEPs as written?
 - B. Did the Board fail to allow the Parent to be a meaningful participant in the IEP team process?
 - C. Did the Board fail to produce accurate IEP documents, ignoring the input of professionals?
 - D. Did the Board fail to keep disability-related information about the Student confidential?
 - E. Did the Board fail to allow for an independent evaluation (IEE), or to take the Family to due process when refusing the IEE requested by the Student's guardian?
 - F. Did the Board fail to provide evaluations in a timely manner and to use a qualified evaluator?

4. If any of the above allegations prove to be correct, is the Student entitled to any specific remedies?
 - A. Is the Student entitled to an independent neuropsychological evaluation at Board expense?
 - B. Is the Student entitled to placement in his neighborhood school for the remainder of the 2009-2010 school year, with appropriate supports and services so that he can have meaningful access to the general education curriculum?
 - C. Is the Student entitled to transportation and other related services, including occupational therapy, psychiatric counseling, social skills services, and psychological counseling provided by the Board?
 - D. Is the Student entitled to compensatory education for the appropriate academic services, supports, other services, and related services lost during the 2006-2007, 2007-2008, 2008-2009, and 2009-2010 school years?
 - E. Is the Student entitled to compensation for reasonable attorney's fees?

PROCEDURAL HISTORY:

This hearing was requested on February 3, 2010 and the Hearing Officer was appointed on February 8, 2010. A pre-hearing conference was held by conference telephone call on February 23, 2010, and the decision date was set for April 19, 2010. The Parties participated in mediation on March 11, 2010, and reached an agreement at that time. The Parents withdrew their request for hearing by letter from their Attorney received on March 16, 2010.

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

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:

This matter having been settled and the request for hearing withdrawn, the case is DISMISSED.