

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Danbury 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 Rebecca R. Santiago
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Hartford, CT 06103

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the Board fail to provide child find for the Student during the 2008-2009 school year?
2. Did the Board fail to provide child find for the Student during the 2009-2010 school year from the beginning of the school year to November 23, 2009?
3. Did the Board fail to evaluate the Student in all areas of suspected disability?
4. Did the program offered by the Board for the 2010-2011 school year provide the Student with a free and appropriate public education (FAPE) as required in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a?
5. Did the Board provide the Student FAPE for the summer of 2010?
6. Should the Student be placed in the residential program at the Arch Bridge School at Wellspring for the 2010-2011 school year?
7. Is the Student entitled to compensatory education for the procedural violations that denied the Student FAPE from May 2, 2009 to the end of the 2008-2009 school year?
8. Is the Student entitled to compensatory education for the procedural violations that denied the Student FAPE for the 2008-2009 school year and the beginning of the 2009-2010 school year to November 23, 2009?

FINAL ORDER AND DECISION

SUMMARY and PROCEDURAL HISTORY:

The Student is 6 years, has not been identified as having Emotional Disturbance and is entitled to receive a FAPE as defined in the IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents rejected the Board's program offered to the Student for the 2010-2011 and requested placement at Arch Bridge School at Wellspring. The Board refused the Parents' request.

On or about August 20, 2010, the Board received notice of the parent's request for due process. The Parents waived a resolution meeting and decided to go to mediation. Mediation was held on September 14, 2010. An impartial hearing officer was appointed on August 24, 2010 and a pre-hearing conference was held on September 1, 2010. A hearing date of October 19, 2010 was chosen by the parties. On or about October 4, 2010 the parties informed the hearing officer that the matter had been resolved and the matter was withdrawn with prejudice. The date for the mailing of the Final Decision and Order is November 4, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.