

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Student: Attorney Christine Barrington
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Appearing on behalf of the Board: Attorney Susan C. Freedman
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Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the program provided to the Student by the Board for the portion of the 2010-2011 school year beginning on January 1, 2011 provide Student with a free appropriate public education (hereinafter FAPE) ?
2. Did the program provided to the Student by the Board for the 2011-2012 school year provide Student with FAPE?
3. Did the Board's decision not to provide Student with Extended School Year programming (hereinafter ESY) for the 2011-2012 school year result in a denial of FAPE?
4. Does the Board's proposed program for the 2012-2013 school year provide Student with FAPE?
5. Did the Board commit a procedural violation by failing to devise an Individualized Education Program (hereinafter IEP) based on Student's individual needs, including specific behavioral and communicative needs? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
6. Did the Board commit a procedural violation by failing to develop objective and measurable goals and objectives? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
7. Did the Board commit a procedural violation by failing to have proper personnel present during case conference committee hearings? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?

8. Did the Board commit a procedural violation by failing to offer appropriate ESY services to the Student? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
9. Did the Board commit a procedural violation by failing to have an appropriate IEP ready at the start of the school year? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
10. Did the Board commit a procedural violation by failing to include in the IEP present levels of educational functioning, goals that address educational needs, and strategies to evaluate progress? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
11. Did the Board commit a procedural violation by failing to provide a FAPE that emphasizes special education and related services to meet Student's unique needs and prepare Student for education, employment, and independent living? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
12. Did the Board commit a procedural violation by failing to provide Parents and Student with meaningful opportunity to participate in the IEP process? If Board committed such procedural violation, did such procedural violation result in a denial of FAPE to the Student?
13. If Board committed any of the aforementioned substantive and/or procedural violations, what shall the remedy be?
14. Is Student entitled to compensatory education and/or reimbursement for educational costs and expenses incurred by Parent for time period of January 1, 2011 through present?

SUMMARY:

On August 3, 2012 the West Hartford Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on August 1, 2012. Prehearing telephone conferences were held on two separate occasions on August 13, 2012 and September 7, 2012. One day of hearing was held on September 4, 2012 on the preliminary issue of the Student's stay-put placement. Additional hearing dates were scheduled for September 20, September 25, October 2, October 4, and October 18, 2012. The original deadline for the mailing of the final decision and order was October 17, 2012. This deadline was extended by request to November 16, 2012 in order to accommodate additional hearing dates. The parties engaged in mediation on September 18, 2012 and an agreement was reached. On September 19, 2012 Counsel for the Student sent confirmation that the hearing request was being withdrawn with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed with prejudice.