

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Brookfield Board of Education

Appearing on behalf of the Parents:	Attorney Jennifer Laviano
Appearing on behalf of the Board:	Attorney Craig Meuser
Appearing before:	Attorney Brette H. Fitton Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to provide the Student with a Free Appropriate Public Education in the Least Restrictive Environment for the 2011-2012 school year, including Extended School Year services for 2012?
2. Did the Board fail to provide the Student with a Free Appropriate Public Education in the Least Restrictive Environment for the 2012-2013 school year, including Extended School Year services for 2013?
3. Did the program proposed by the Board for the 2013-2014 school year provide the Student with a Free Appropriate Public Education in the Least Restrictive Environment ?
4. If the program proposed by the Board for the 2013-2014 school year is not appropriate for Student, is the placement of the Student at CCCD appropriate and do equitable factors weigh in favor of placement at CCCD at district expense?
5. Did the Board violate Student's Procedural Safeguards by:
 - a. failure to implement Behavioral Intervention Plans, including for Extended School Year services;
 - b. not properly carrying over instructional strategies into Extended School Year services;
 - c. removal of Physical Therapy services without parental consent;
 - d. failure to consider appropriate Assistive Technology in development of IEPs;
 - e. failure to properly implement co-teaching;
 - f. improper use of Student's one-to -one paraprofessional by other children other than Student; and/or
 - g. utilization of non-certified paraprofessional for specialized instruction.
6. If the Board failed to provide Student with FAPE in the LRE and/or violated Student's procedural safeguards what shall the remedy be?
7. Is the Board's psycho-educational evaluation appropriate? If not;
8. Is the Student entitled to an independent psycho-educational evaluation?

PROCEDURAL HISTORY AND SUMMARY:

On September 12, 2013, the Brookfield Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on September

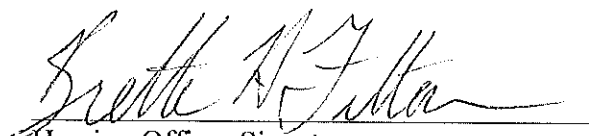
16, 2014. On October 16, 2013, a prehearing conference was held and the original deadline for the mailing of the final decision and order was established as November 26, 2013. During the prehearing conference, the parties requested an extension of the deadline for the mailing of the final decision and order in order to pursue mediation. This request was granted and a revised deadline for the mailing of the final decision and order was established as December 26, 2013. The parties were scheduled to participate in mediation on December 10, 2013, however the mediation was cancelled due to inclement weather. On December 13, 2013, the parties requested a postponement of the first scheduled hearing date of December 19, 2013 so that the parties could mediate on that date. A request for an extension of the mailing deadline accompanied the request for postponement. Both requests were granted on December 13, 2013. A new mailing deadline for the final decision and order was set for Friday, January 25, 2014. Attorney for the Board filed a due process hearing request involving the same parties on December 28, 2014 which was assigned the number of 14-0351. On January 7, 2014, Attorney for the Student requested an extension of the mailing deadline via email which was granted resulting in a deadline of February 24, 2014. On January 28, 2014, Attorney for the Board filed a Motion to Consolidate with Hearing Officer Rosado. On January 29, 2014, Hearing Officer Rosado held a prehearing conference with the parties after which he issued an order consolidating Case Numbers 14-0351 and 14-0173. The hearing commenced on January 29, 2014 and February 19, 2014. An additional extension was requested to accommodate the hearing schedule resulting in a new deadline for the mailing of the final decision and order of March 26, 2014. At a second prehearing conference held on March 19, 2014, the parties requested an extension of the deadline to accommodate additional hearing dates of April 4, 2014, April 22, 2014, May 23, 2014, May 27, 2014, May 28, 2014 and June 2, 2014. This request was granted resulting in a new deadline for the mailing of the final decision and order of April 25, 2014. On April 4, 2014, Attorney for the Parents appeared at the hearing and stated on the record that the parties had reached a settlement and that Parents were withdrawing the Request for a Special Education Due Process Hearing.

FINAL DECISION AND ORDER:

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

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Brette H. Fitton
Hearing Officer Name in Print