

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westbrook Board of Education

Appearing on behalf of the Parent:

Attorney Andrew Feinstein
Attorney At Law LLC
86 Dennison Avenue
Mystic, CT 06388

Appearing on behalf of the Board:

Attorney Leander Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before:

Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Should the Board retain an independent consultant to help develop an individualized education program (IEP) for the Student?
3. Should the Board provide the Student with one hour per day of 1 on 1 speech therapy?
4. Should the Board retain an independent expert to assist in developing the triennial for the Student?
5. Do the school staff and the Parents require training in any assistive or augmentative communication hardware or software implemented?
6. Is the Board performing any retaliatory action against the Parents?
7. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and Apraxia of Speech and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2014-2015 school year. The Parents requested an independent consultant to help develop the IEP and one on one speech therapy for one hour each day. The Board denied the Parent's request. The Parent filed for due process. The Board received notice on December 19, 2014. The parties agreed to a mediate the matter.

An impartial hearing officer was appointed on December 18, 2014 and a pre-hearing conference was held on December 23, 2014. A hearing date of February 12, 2015 was chosen by the parties.

March 12, 2015

Final Decision and Order Case No. 15-0277

On February 2, 2015, in an electronic transmission, the Boards attorney advised the hearing officer that the parties were able to partially resolve the matter but needed additional time to resolve all issues rather than go to a hearing. The parties also requested cancelation of the hearing date to accommodate the extended mediation. The extension was granted and the hearing date was cancelled. In an electronic transmission, the Parent's attorney advised the hearing officer that the matter had been resolved and withdrew the matter with prejudice.

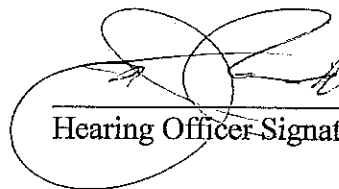
The date for the mailing of the Final Decision and Order was extended to accommodate the mediation. The date for the mailing the Final Decision and Order is March 13, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

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

Justino Rosado
Hearing Officer Name in Print