

June 18, 2018

Final Decision and Order 18-0416

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 10 Board of Education

Appearing on behalf of the Student:

Attorney Elizabeth Moyse
Law Office of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Attorney Michael McKeon
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103

Appearing Before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is Meliora Academy, not Region 10's LSMHS/STARS, the appropriate placement for Student?
2. Will Region 10 deny Student a Free and Appropriate Public Education ("FAPE") under the Individuals with Disabilities Education Improvement Act ("IDEA") for: 2018 ESY and 2018-2019 school year, because it fails and will fail to provide Student with: intensive, individualized and sufficient programs and services to enable him to make meaningful educational progress in academics, speech and language (communication), functional/daily living skills, gross/fine motor skills and assign qualified staff (SPED/SLP/OT/PT) to teach Student rather than interchanging lower qualified staff for higher qualified staff or Instructional Assistants, a sufficiently trained ABA Behavioral Technician, a more restrictive program to suit Student's learning needs rather than placing him mostly in the general education environment, proper data collection regarding Student's learning needs, update his current AT needs, proper peer grouping for learning, appropriate curriculum for learning life/daily living skills (including sexual education), an interdisciplinary approach to Student's eating/nutrition needs, an ESY program with requisite intensive services provided by appropriately trained professionals for a sufficient duration, to offer and provide in-home training to Student's Parents and to communicate with DDS?
3. Did Region 10 violate Student's IDEA procedural safeguards when it: predetermined to return Student to Region 10 for 2018 ESY and the 2018-19 school year and failed to invite DDS personnel to Student's PPTs?
4. Will Region 10 violate Student's 504 rights to FAPE during ESY 2018 and the 2018-19 school year, when, with deliberate indifference to prevent Student from accessing his education like his nondisabled peers, it will

fail to: provide intensive and properly developed/implemented ABA programming, offer/assign qualified staff (SP ED/SLP/OT/PT) to teach Student rather than interchanging lower qualified staff for higher qualified staff, predetermined Student's placement for ESY 2018 and the 2018-2019 school year, provide proper peer grouping for learning, appropriate curriculum for learning life/daily living skills (including sexual education), provide an interdisciplinary approach to Student's eating/nutrition needs and provide in-home Parent training?

5. Will Region 10 violate Title II of the ADA during the ESY 2018 and the 2018-19 school year, when, by reason of his disability, it will deprive Student the equal opportunity to access his curriculum when compared to his peers?

6. Should Region 10 immediately be ordered to continue Student's placement at Meliora for ESY 2018 and the 2018-19 school year?

7. Should the parents receive reimbursement for the costs associated with Dr. Mayville's observations (including interviews of applicable staff members), review of records and report as well as any compensatory education and/or additional services if it is found that the Student was deprived of FAPE under the IDEA, Section 504, and the ADA?

PROCEDURAL BACKGROUND:

The Student, by the Parents, filed this Request for Due Process Hearing on April 20, 2018. The Hearing Officer was assigned on April 25, 2018, and a Prehearing Conference was held on May 7, 2018. The Attorneys for the parties appeared at the conference. Counsel indicated they desired to engage in settlement discussions. Subsequently, on June 7, 2018, the Hearing Officer was notified that the parties had reached an agreement and requested the case be dismissed.

FINAL DECISION AND ORDER:

The case is DISMISSED without prejudice.