

January 26, 2017

Final Decision and Order 18-0198

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Avon Board of Education

Appearing on behalf of the Student:

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Appearing on behalf of the Board:

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Appearing before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Whether the Avon Board of Education denied Student a Free and Appropriate Public Education (“FAPE”), procedurally and substantively, including but not limited to: failure to evaluate in all suspected areas of disability; failure to accurately determine "Present Levels of Functioning;" failure to provide Scientifically Based Interventions (SRBI) as tiered interventions at regular intervals as warranted. Student was a "non-responder" to most previous reading interventions; failure to identify specific learning disabilities; failure of the District to use their data collection in a meaningful and comprehensive manner to generate a change in programming at regular intervals, as report card comments of December 2015 and March of 2016 indicated lack of improvement, lack of forward progress, and foreshadowed the behavioral crises that were just around the corner and the IEP as written was inadequate in magnitude, scope and duration and lacked appropriate related services as well; failure to provide individualized, appropriate, and sufficient ESY services for the summers in question; failure to develop an appropriate and supported behavioral plan for Student's transition to a new school for Kindergarten; failure to provide appropriate or sufficient behavioral services and supports; failure to offer or provide FAPE in the LRE, free of removals, restraints and fear; failure to convene a PPT in the Winter of 2016 immediately after a pattern of restraint and removal were established, including having Student taken from school via ambulance; failure to convene an emergency PPT immediately following the March 16, 2016 decision by the administration to call 911 to have Student removed from school via ambulance; failure to conduct an FBA when necessary during the 2016-2017 school year; failure to provide counseling training immediately and consistently to the

family, despite the Parents reporting early on to school personnel that they were overwhelmed by Student's behavior at home, on vacation, and in the community, and the district's awareness that Student's twin sister was crying and upset because she was observing her brother being physically restrained and upset in school; failure to follow Connecticut's Restraint and Seclusion laws, regulations, and procedures, including failing to adequately document all instances of restraint and seclusion; failure to conduct an appropriate psychiatric evaluation; failure to conduct a central auditory processing evaluation; failure to convene a PPT upon notification of the Parents' decision to unilaterally place; failure to convene a PPT to develop an appropriate IEP in advance of the start of the 2016-2017 school year; failure of the District to schedule a PPT and to provide an Assessment Report of the results and analysis of the evaluation completed between Fall of 2016 and January of 2017; failure to hold an Annual IEP Meeting since September of 2017; failure to have an IEP in place by the first day of school for the 2017-2018 school year; failure to maintain a continuum of appropriate alternative placements; failure of the District to forward copies of Student's records to FVAMS in a timely manner; failure of the district to provide the parents access to Student's educational records; and violation of the Parents' ability to meaningfully participate in the development of their child's IEPs by withholding necessary information, including restraint and seclusion data, evaluations and educational records.

PROCEDURAL HISTORY/SUMMARY:

The parents of the Student brought the Due Process Complaint and Hearing Request on November 13, 2017. The Hearing Officer was appointed on November 14, 2017. A Prehearing Conference was held on November 22, 2017. At that time, both parties requested, and were granted, extensions of time to explore mediation and a possible settlement. The parties had agreed on and scheduled private mediation, which was held on January 19, 2018. The mediation resulted in an agreement. Counsel for the Board and the Parent notified the Hearing Officer on January 25, 2018 that the parties had reached a settlement and the Due Process Complaint and Hearing Request was withdrawn.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.

