

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Newtown Public Schools

Appearing on behalf of the Parent:

Attorney Lawrence Berliner  
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Appearing on behalf of the Board:

Attorney Alyce Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before:

Melinda A. Powell, Esq.

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board failed to provide the Student with an IEP that provided the Student with FAPE for ESY-18 and the 2018-19 school year; in that:
  - a. The IEP did not take into account the Parents' concerns that the Student would not make any meaningful progress in their full-day school program, given the Student's limited stamina and complex medical conditions?
  - b. The IEP was not consistent with the professional recommendations provided by Dr. Mark Glassman, Dr. Shulman, and/or Toni Giannone, CCC-SLP?
  - c. Whether the Board failed to review or meaningfully consider the evaluation report prepared by Toni Giannone, CCC-SLP and other updated information including the progress report and/or proposed goals and objectives prepared by the Speech Academy for the 2017-18 school year, in drafting the IEP goals for the 2018-19 school year?
2. Whether the Board violated the Parents procedural rights when it denied the Parents' request for an observation of the Middle Gate Elementary School program?
3. Whether the Board violated the Parents procedural rights when it unilaterally cancelled the May 14, 2018 PPT meeting?
4. Whether the Board violated the Parents procedural rights when it disinvented Toni Giannone from participating on the Pupil Placement Team?

5. Whether the Board should have placed the Student at the Speech Academy or reimbursed the Parents for the costs of that placement for the 2018-19 school year and ESY-18, including their tuition, transportation costs, and related costs?

**PROCEDURAL HISTORY/SUMMARY:**

The Parents filed the Due Process Complaint and Request for Hearing on September 9, 2018. The Hearing Officer was appointed on September 17, 2018. A Prehearing Conference was scheduled for November 5, 2018. On November 1, 2018, the Parents' counsel emailed the hearing officer and advised that the parties have reached an agreement.

**FINAL DECISION AND ORDER:**

In light of the above, the matter is **DISMISSED**.