

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Case No. 03-103

June 28, 2003

Torrington Board of Education v. Student

Appearing on behalf of the Parents:

Pro Se
708 Prospect Street
Torrington, CT 06790

Appearing on behalf of the
Board of Education:

Attorney Michael McKeon
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Appearing before:

Christine B. Spak, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Whether the student should be placed in a clinical day program for the 2003-2004 school year?

SUMMARY:

The student, twelve years old at the time of the hearing, had been identified as learning disabled for most of his school career. During the current school year the PPT changed his primary identification to emotionally disturbed, an identification with which his Parents disagree. During the course of the current school year the Board has moved the student from their public school setting to homebound following a number of escalating incidents, the incidents being disputed by the student and his Parents. During the course of homebound the Board has had more than one tutor decline to return to tutor the student. The Board requested this bifurcated hearing seeking an order to place the student in a clinical day program as an interim alternative educational setting and as a placement for the 2003-2004 school year. The Parents believed the hearing request to be premature, preferring to wait until the completion of an independent psychological and an independent psychiatric evaluation, both of which were pending at the outset of the hearing. By the conclusion of the hearing the evaluations were completed and the Parents, while preferring a placement in a public school in a neighboring district, appeared more accepting of the PPT recommendation to place the student in a clinical day treatment program but remained absolutely steadfast in not wanting their son placed in a residential setting. At the outset of the hearing and throughout, both parties agreed that the student should not return to the Board's middle school for the 2003-2004 school year. On June 1, 2003, the Hearing Officer issued a Decision and Order Re: Interim Alternative Educational Placement, ruling therein:

The Board has met its burden of establishing that this student should be placed in a clinical day program as an interim alternative educational setting. Such setting, being a day program such as the Grace Webb program or the Wheeler Clinic program, shall not be residential.

This Decision and Order sets forth the Hearing Officer's findings of fact and conclusions of law. To the extent that findings of fact actually represent conclusions of law, they should be so considered, and vice versa. For reference, see *SAS Institute Inc. v. S&H Computer Systems, Inc.*, 605 F. Supp. 816, (March 6, 1985) and *Bonnie Ann F. v. Callallen Independent School District*, 835 F.Supp.340 (S.D.Tex. 1993).

FINDINGS OF FACT:

1. The student is twelve years old and has been identified as a student with a specific learning disability since his early elementary school years. His identification was changed this school year (2002-2003), his seventh grade year, to seriously emotionally disturbed, a change in identification with which the Parents did not agree. Testimony of Mother, testimony of Director Laura Seese.
2. On May 27, 2001, near the end of the student's fifth-grade year at East School, his special education teacher reported that "[a]t times [the student] may demonstrate an argumentative and opinionated nature." B-9(16). She further noted that the student "will often voice his opinion

without regard to the feelings or respect of others. He has on occasions, caused upset with the students with whom he is working.” Id.

3. At the student’s June 4, 2001 annual review PPT meeting, his Team recommended that he have eleven hours per week in Learning Resource Center [“LRC”] classrooms during sixth-grade. B-9(19). On November 2, 2001, the PPT reconvened and recommended that the student’s LRC hours be increased to 16 per week to include math and science. B14(1) & (4).
4. Like most students in the Torrington Public Schools, the student entered Torrington Middle School at the beginning of sixth grade, which in his case was the 2001-2002 academic year. B-9. The prior year he had attended East School, an elementary school in Torrington. Id.
5. During his sixth-grade year, the “argumentative and opinionated nature” reported at the end of fifth grade began to increase both in frequency and in degree. See B-9(16). For example, on November 13, 2001, the student’s bus driver reported that the student “was seated up front for causing conflicts with other students. Trying to start fights and saying the f--- word very loudly.” B-15(1). The driver further reported that the student had called her, her supervisor, and the student’s own mother “retarded.” Id., pp. 1-2. Around the same time, the parent of another student on the bus wrote to the bus driver that the student was inflicting “physical pain (punching pinching etc...) on [her son].” B-15(3).
6. On November 13, 2001, the student’s computer keyboarding teacher reported: “[The student] is disruptive on a daily basis – He does not stay for detention – He does no work – He wants to leave every day for guidance of the office – He yells out.” B-16(3); Testimony of Susan McKernan, Assistant Principal, Torrington Middle School [“McKernan Testimony”]. Similarly, on November 27, 2001, his computer teacher noted that the student had refused to be seated and had walked around and talked during class that day. B-20. She further reported that the student had made the following comments to her in front of the class:

“Any good lies to tell to the office today?”

“Liar, liar, you are a mean backstabber.”

“Maybe you should be nice to your male students.”

“Is your brain so small?”

“Mrs. Lady who I don’t like.”

“You can’t teach.”

“I’m going to the office – have a problem with that – call the cops.”

Following the last comment, the student left the classroom, although he returned in approximately thirty seconds. B-20; McKernan Testimony On December 6, 2001, the student used profanity or vulgarity on the school bus. B-22.

7. On December 11, 2001, the student's PPT implemented a behavioral plan, added a counseling goal with objectives to the student's IEP, and changed his bus at the request of his Parents. B-25(1), (14-15). Nine days later, on December 20, 2001, one of the student's teachers reported that the student "would not sit in seat," that the student had insulted him "on several instances" and muttered profanities to him, and that the student had engaged in name calling that was directed at both the teacher and at classmates, repeatedly referring to a fellow student as a "geek" and "homo." B-32.
8. On January 22, 2002, the PPT requested the Parents' consent to a psychiatric consultation for the student. B-38. The Parents did not consent at that time. B-38(9). The Team also asked the Parents to reconsider their rejection of the Team's January 4, 2002 suggestion that the student be placed in the Orange Cluster, a self-contained placement within the Torrington Middle School that had a 1:4 teacher-student ratio. B-38(2). See also B-36(1); Testimony of Dr. Laura Seese, Director of Pupil Services ["Seese Testimony"]. The Parents once again refused to consider it. B-38(2).
9. On January 28, 2002, one of the student's teachers reported that the student had refused to sit in his seat and had said "Fuck you, asshole!" to her when she requested that he sit down. B-39; B-47(24-25). When the class then began to read a play, the student continually repeated the word "fuck," and then called out to the teacher: "Hey, Fuck, don't you want to send me to the office yet?" B-47(25). When the student was finally sent to the office, the teacher told him to have a good afternoon, to which he responded by telling her: "Fuck you." B-39.
10. On January 28, 2002, the student's art teacher reported that the student had addressed his guidance counselor as "a dumb ass," had been disruptive in class, and had told her: "[Y]ou don't know what you're talking about anyway." B-40(2). The next day, January 29, 2002, the student told his art teacher: "[Y]ou can kiss my ass." B-41. She noted that there were 24 other students in the class to whom she could not give her attention due to his disruptive behavior and "constant defiance." Id.
11. Other students were intimidated and upset by the student and requested that they not have to sit by him. McKernan Testimony. One of these students reported that on January 16, 2002, the student had called her a "bitch." B-47(15). That same day, another student, who was crying, reported that the student had placed a thumb tack on his chair. Id. Later that day, the classmate's mother called to complain that the student was pushing and teasing her son and that the latter was "crying at home over this treatment." Id. On January 23, 2002, the student told a classmate: "Fuck you." B-47(22). Similarly, a classmate reported that on January 29 and 30, 2002, the student "called my mom a w[h]ore," and called him a "Bitch" and a "w[h]ore." B-43.
12. On February 11, 2002 the student refused to comply with one of his teacher's directives and referred to her during class as a "homo." B-45(2). That same day another teacher reported that

the student had refused to stay when she was speaking to him, telling her: "Write me up." B-45(3).

13. On February 15, 2002, the Board convened another PPT meeting, at which it requested the Parents' consent to conduct psychological and psychiatric evaluations in order to determine the student's social-emotional status, but the Parents refused. B-47(1). The Team also recommended that the student's placement be changed to homebound instruction, pending the resolution of the parties' disagreement over the evaluations. Id. Since November 14, 2001, the student had had been suspended out of school for nine days, had received four days of in-school suspension, and had had three office detentions. B-47(8). Given this pattern of suspensions, at the February 15, 2002 PPT meeting, the Team conducted a Functional Behavior Assessment and a Manifestation Determination. B-47(9-11).
14. On March 8, 2002, the school psychologist conducted a record review and wrote in a memorandum to file:

Upon reviewing [the student's] confidential and discipline files, a disturbing pattern of deteriorating behaviors becomes apparent. His behaviors include physical altercations with peers as well as the use of profanity with or about peers and staff. Additionally [the student] has been repeatedly suspended for defiance of authority. It is of concern that [the student] denies any responsibility for his actions and blames other or denies certain events ever occurred. These behaviors appear very inappropriate and raise concerns for his current emotional functioning. B-55.
15. At or about that same time, Dr. Jerome Evans, the Board's consulting psychiatrist also conducted a record review and subsequently reported:

Given the unknowns of this situation and this young man's increased aggression verbally and the psychosexual issues that I think may exist and his learning issues, it is my opinion that before he is allowed back at school given his out of control behavior at the present time, that he requires a psychiatric evaluation. B-56(2-3). See also B-57(2); Seese Testimony
16. On March 28, 2002, the Board requested mediation in an attempt to resolve its disagreement with the Parents regarding the evaluations for which it was seeking the Parents' consent. B-61.
17. Subsequent to the mediation, Dr. Steven L. Singer, a psychiatrist at Charlotte-Hungerford Hospital in Torrington conducted a psychiatric evaluation of the student. B-63. In his May 30, 2002 report, Dr. Singer diagnosed Oppositional Defiant Disorder and reported in relevant part:

"[The student] requires a higher level of individual intervention than what the school guidance department is physically capable of providing. [The student's] current behavioral difficulties seem to be unrelated to his learning disabilities. If [the student's] continued inclusion in main stream classes is not workable then the next step would be to place [the student] in a self-contained setting[] within the school district. Ultimately, if the self-contained setting in the

Torrington Schools cannot contain [the student], then an outplacement setting may be what is required. B-63(2).

18. On June 2, 2002, Doreen Mozzicato, a school psychologist within the Torrington Public Schools, conducted a psychological evaluation of the student. B-66(21-26). In her July 2, 2002 report on that evaluation, Ms. Mozzicato reported that the student's teachers had indicated on the BASC that the student was "exhibiting a maladaptive degree of negative behaviors in school." Id., p. 25. She further noted that the student described his teachers as "mean, selfish, and unfair," Id., p. 25, and repeatedly claimed that he had been "framed" for the disciplinary incidents that his teachers had reported. Id., p. 24.
19. On June 10, 2002, the student's homebound tutor reported:
[The student's] behavior has run the gamut from cooperative, to distracted, to demanding, controlling, to angry and accusatory, intimidating and attacking both verbally and physically; (threatening as with compass needle, lighter or banging into tutor's chair with bicycle, or to agitate. He also has totally withdrawn, lying with back to instructor with blanket covered over his head, chanting so as not to hear the lesson at hand. B-64(2).
20. On August 26, 2002, the student's PPT recommended that the student be placed back in Torrington Middle School for his seventh-grade year. B-66(1). The student was placed in a self-contained homeroom and received eighteen hours per week of LRC classes. Id., pp. 1, 9. The PPT also agreed to reconvene no later than October 1, 2002 to review the student's progress. Id., p. 2.
21. In September 2002, the student was in the Orange Cluster at Torrington Middle School. Spar Testimony; Seese Testimony; McKernan Testimony The student's case manager was Matthew Spar, a special education teacher who taught in the Orange Cluster. B-70(1); ; Testimony of Matthew Spar, Special Education Teacher, Torrington Middle School ["Spar Testimony"].
22. The student proved disruptive even in the restricted Orange Cluster setting, and other students were asking that they not have to be placed near him. Spar Testimony
23. On September 12, 2002, one of the student's teachers reported that the student had called her a "bitch." B-67. He was subsequently suspended for one day.
24. On September 26, 2002, the student's mother requested that the student be placed on homebound instruction, which request the other members of the PPT rejected. B-70(1-2). The Team provided an Instructional Aide to assist the student in mathematics, which class he was taking in a supported mainstream setting. B-70(1). See also B-66(1). The supported mainstream mathematics class was co-taught by regular education and a special education teachers. Seese Testimony

25. On October 1, 2002, the student was disruptive in class and refused to take a pass to go to the office. B-71; McKernan Testimony. That same day, another teacher reported that the student had called a classmate a “shit” and a “ball bag,” and when the teacher contacted the student’s mother, the latter asserted that the student “would not be staying for detention – ever.” B-72 (emphasis in original); McKernan Testimony.
26. On October 2, 2002, one of the student’s teachers reported that the student had made numerous negative comments regarding his case manager, Matthew Spar, including:
“Mr. Spar is a jerk.”
“[H]e shouldn’t be a teacher.”
“[H]e should die.”
“He’s a lousy teacher.”
“I hate him.”B-73. That same day, another teacher reported similar threatening comments:
“[The student] stated that Mr. Spar should not be a teacher and he wanted him dead.” B-75.
27. On October 2, 2002, the student refused to follow the directives of yet another teacher and made bomb threats against the school, stating: “I’m going to blow up the world.” B-74(3). The student then asserted: “There’s a bomb in this school.” B-74(3, 4); B-76. The student stated that he did not care if he got into trouble with the school or with the law as the result of his threats. B-74 (3, 4). As the result of his bomb threats and his threatening statements about Mr. Spar, the student was suspended for ten days. B-74(3); B-76.
28. The Board scheduled a PPT meeting for October 11, 2002, but it was continued when the student’s mother cancelled it on October 10, 2002. B-80(2). The meeting was convened on October 15, but the Parents did not attend. Id. The Team noted that the Parents had still as yet not obtained the independent psychiatric or psychological evaluations that the Board had agreed to finance. Id.
29. On October 25, 2002, the PPT again reconvened, although the Parents again did not attend. B-81(2). At the October 25 meeting, the Team again reviewed Dr. Singer’s May 30, 2002 psychiatric evaluation, in which, and as previously noted, Dr. Singer had written that “if the self-contained setting in the Torrington Schools cannot contain [the student] then an outplacement setting may be what is required.” B-63(2); B-81(2). The Team also re-reviewed the July 2, 2002 psychological evaluation by Doreen Mozzicato, a school psychologist at Torrington Middle School. B-66(21); B-81(2). Reviewing these evaluations in the context of the student’s escalating behaviors in school, the Team changed the student’s primary exceptionality to emotionally disturbed and recommended that he be placed in a clinical day program. B-81(1-2). In the interim, the Team recommended continuing the student on homebound instruction. B-81(1).

30. The Board retained a number of tutors to work with the student, but they all ultimately refused to return. Seese Testimony; Testimony of Carla Perlotto, Tutor ["Perlotto Testimony"]; B-84, B-85, B-88, B-89, B-96, B-97. The reasons given by the tutors for declining to continue their work with the student varied, but they all cited abject hostility from the student or his mother and the student's refusal to work. Id. Some tutors also expressed concern for their physical safety, citing threats that the student had made against them. Id.
31. On January 21, 2003, the Parents and the Board attended a mediation in an attempt to resolve the student's educational placement. Seese Testimony; B-90; B-92(7-8). At that mediation, the Board agreed to investigate the possibility of placing the student in one of three neighboring public school districts: Litchfield, Regional School District No. 6, and Regional School District No. 7. Seese Testimony; B-92(7-8); B-93-95. All three of these districts subsequently declined to accept the student. Seese Testimony; B-102 & 107. The Board also renewed its offer to finance independent psychological and psychiatric evaluations. Seese Testimony; B-92(1, 7-8).
32. As part of the mediation agreement, the Parents agreed to make the student available for tutoring at the Torrington Public Library. B-92(2, 7).
33. The Board retained a new tutor to work with the student beginning on January 30, 2003. Seese Testimony; B-97(1). This tutor worked with the student only five days before refusing to return. Id.; B-97. During those five days the tutor described a litany of physical threats, verbal abuse, profanity, and resistance to work. Id. For example, on January 30, 2003, the tutor reported: "[The student] showed much resistance to learning, and was unresponsive to my attempts to work w/him. He made numerous attempts to control and manipulate me. He grabbed at my personal belongings. He was verbally abusive." Id., p. 1. On January 31, 2003, the tutor noted that the student would often walk off and wander through the library, and reported that he "continued to be verbally abusive, threatening, and disrespectful." Id. On February 3, 2003, the tutor reported that the student "continues to grab at my personal belongings and grab things out of my hand. He shoved a text I am reading into me." Id.
34. The tutor's last session with the student was on February 5, 2003. B-97. During that session, the librarian stated that the student "nearly plowed into some children while charging through the library." Id., p. 1. The tutor observed that the student "appears to know no limits and have no boundaries," Id., p. 2, reported that he had "made numerous derogatory remarks about [her] age and appearance," Id., and further reported that he had called her "fat bitch," "bastard," "cocksucker," and "moron." Id., pp. 1-2. Furthermore, the tutor reported that the student had made the following threats:
"If I gave you some gas and a match"
"You better shut up, if you know what's good for you!"
"I have a knife in my pocket." Id., p. 2. The student also snapped a pencil in two and threatened that he would "snap [her] legs like a twig." Id. Additionally, he threatened to shoot her with a BB gun on several occasions, often remarked that he wanted to harm other people, and stated

that he expected her to get run over by an automobile. Id. This tutor was so traumatized by her experience with the student that Ms. Seese testified that the tutor had requested that she not be called as a witness due to her concerns about her personal safety. Seese Testimony

35. Having run out of individuals who would work with the student, the Board advertised for tutors in the local newspaper. Seese Testimony; B-98. Carla Perlotto responded to the Board's advertisement. Perlotto Testimony Ms. Perlotto had previously taught special education students for 25 years in public schools. Id. Of those 25 years, Ms. Perlotto had taught learning disabled, emotionally disabled and autistic elementary school students for eight years and had taught learning disabled and emotionally disabled students middle and high school students for seventeen years. Id.
36. During Ms. Perlotto's initial tutorial session with the student on March 3, 2003, the student told her to "shut up" when she attempted to review the lesson and stated that he was not going to do the work. Perlotto Testimony; B-101(1). Several times the student called Ms. Perlotto a "loser" and said "screw you" in response to her attempts to instruct him. Id.; Id. The student also threatened Ms. Perlotto, stating: "I can damage your car." Id.; Id., p. 2. He then proceeded to make additional verbal threats, including claims that he could hurt her and hurt her home. Id.
37. During the March 4, 2003 tutorial session, the student told Ms. Perlotto: "Get out of my face." B-103(1). At the March 7, 2003 tutorial session, the student told Ms. Perlotto to "shut up" when she attempted to discuss the math lesson. B-105(1). He refused to respond to her questions, then called Ms. Perlotto a "bitch" and asked: "What do I have to do to get you to quit?" Id. When Ms. Perlotto continued in her attempts to get the student to work, he tore up his work sheet. Id., p. 2.
38. The Parents retained Dr. D.A. Begelman to conduct the independent psychological evaluation of the student, and on March 1, 2003 he issued his report. B-100. Dr. Begelman diagnosed the student with a Conduct Disorder and with Oppositional Defiant Disorder, and observed that "[i]t may be that [the student] will ultimately require an outplacement in a therapeutic setting because of behavioral problems." B-100(9). Dr. Begelman suggested, however, that the Board first attempt to transition the student "into an alternative school system." B-100(10). Consequently, the Board contacted the Canton Board of Education regarding the possibility of placing the student in Canton Public Schools. Seese Testimony; B-104. As with Litchfield, Regional School District No. 6, and Regional School District No. 7, however, Canton informed the Board that it did not have a program that would meet the student's IEP. Seese Testimony; B-109.
39. On March 27, 2003, the student's PPT convened to review Dr. Begelman's psychological evaluation. B-110. The Team noted that the student's Parents had advised Dr. Seese that they would no longer attend any of the student's PPT meetings. Id., p. 1. At the meeting, the Team observed: "A variety of different educational placements have been attempted this year,

ranging from mainstream classes, self-contained classes, partial day schedules, and individual tutoring in a variety of different locations (home, library, school buildings, and the Board of Ed). [The student] has not been successful in any of these settings.” Id., p. 2. Consequently, the Team recommended that the student be placed either at the Grace Webb School at the Institute of Living or at the Northwest Village School at Wheeler Clinic. Seese Testimony; B-110(1, 2).

40. The Parents retained Dr. Karen Slater to conduct the independent psychiatric evaluation of the student, and on May 28, 2003 she issued her report. B-111; Seese Testimony In her report, and in her subsequent testimony, Dr. Slater reported that the student had only been “partially cooperative” in her initial interview of him. B-111(4); Testimony of Karen Slater, M.D. The student told Dr. Slater: “You’ve chosen the most stupid and dishonest line of work . . . you just talk to people . . . you send people to the psycho hospital . . . I don’t like you.” B-111(4). Dr. Slater reported that the student “was overtly hostile, and frequently swore.” Id.
41. Dr. Slater concluded that the student’s “symptoms meet almost every one of the criteria necessary for the diagnosis of Oppositional Defiant Disorder.” B-111(7); Slater Testimony She reported “a strong, paranoid tone to his thoughts and conversation that is of great concern in terms of his mental health.” Id., p. 8; Id. Finally, Dr. Slater concluded: “[I]t is unlikely that he will succeed in any school setting, public or private, and will need placement within a therapeutic milieu for his education, because his behavior and attitude would not be tolerated, and could not be dealt with anywhere else.” Id.; Id.
42. Both the Grace Webb School at the Institute of Living and the Northwest Village School at Wheeler Clinic have openings for the student during the 2003-2004 school year. Seese Testimony After they reviewed Dr. Slater’s report during a break in the May 29, 2003 hearing, the student’s Parents stated on the record that they would no longer object to the student’s placement in a clinical day program.

CONCLUSIONS OF LAW

1. There is no dispute that the student is entitled to special education and related services as a student identified with a learning disorder and an emotional disorder and thereby entitled to receive a free and appropriate public education (“FAPE”) pursuant to 20 U.S.C. §1400 et. seq., the Individuals with Disabilities Education Act (“IDEA”, also “the Act”), 34 C.F.R Section 300.7(a) and Section 10-76a-1(d) of the Regulations of Connecticut State Agencies (RCSA).
2. The Act defines FAPE as special education and related services which:
 - “(A) have been provided at public expense, under public supervision and direction, and without charge;

- (B) meet the standards of the State educational agency;
 - (C) include an appropriate preschool, elementary, or secondary school education in the State involved; and
 - (D) are provided in conformity with the individualized education program required under Sec. 614(d).” 20 U.S.C. Section 1401(8).
3. The “term special education means specially designed instruction, at no cost to the Parents, to meet the unique needs of a child with a disability, including – (i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.” 34 C.F.R. 300.26(a)(1)(i). In accordance with this definition, school districts are required to ensure “that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.” 34 C.F.R. §300.551(a). The alternative placements included in that continuum include “regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions.” 34 C.F.R. §300.551(b)(1).
 4. The Board provided the student with a continuum of alternative placements, progressively moving him into more restrictive settings within the Torrington Middle School and, ultimately, in homebound instruction. As the student’s PPT noted at its March 27, 2003 meeting: “A variety of different educational placements have been attempted this year, ranging from mainstream classes, self-contained classes, partial day schedules, and individual tutoring in a variety of different locations (home, library, school buildings, and the Board of Ed.)” The Board even explored the possibility of placing the student in neighboring public school districts. None of these efforts have proven successful.
 5. The Parents have successfully raised two other children who were also identified as in need of special education. Because of their many dealings with staff involved in all three of their children's education over many years, the Parents have a low level of trust in the school personnel. Hence, their mistrust of the recommendations by school personnel and their desire for independent evaluations. Their daughter, now an adult, testified in an intelligent and poised manner on behalf of her brother, indirectly demonstrating that the Parents have done a fine job with her. They advocated for their son in an effective and respectful manner and clearly expressed that they do not want this Student, their youngest child placed in a residential setting.
 6. Every psychologist or psychiatrist from outside the school system who has evaluated the student has noted the likelihood of the student being placed in a clinical day program. This included Dr. Singer, Dr. Begelman and Dr. Slater. Dr. Slater, the most recent mental health professional to evaluate this Student, unambiguously concluded: “[I]t is unlikely that he will succeed in any school setting, public or private, and will need placement within a therapeutic milieu for his education, because his behavior and

attitude would not be tolerated, and could not be dealt with anywhere else.” B-111(8); Slater Testimony

7. In the instant case the evidence is overwhelming that this young boy, if kept in the public school setting, is a risk to other students and to staff. In regard to homebound instruction, it is not only inappropriate to keep him on homebound for an extended period of time, but in this case it is impossible, because there are no more tutors available to teach him. The school has made reasonable efforts both in the public school setting through progressively restrictive placements and through their efforts to retain tutors for this student, to minimize the risk of harm. A clinical day program is the least restrictive setting possible for a child demonstrating the behaviors documented here. The Parents are adamant that they do not want their son "institutionalized" in a residential setting. An appropriate clinical day program is not a residential placement and will offer this child an opportunity to meet his IEP goals and learn to conform his behavior to reasonable expectations.
8. A clinical day program such as the Grace Webb School at the Institute of Living or the Northwest Village School at Wheeler Clinic is the next step on this continuum of alternative placements. Such a placement is not residential and will address both the student's educational and emotional needs and will provide him with an opportunity to meet his IEP goals and objectives and to learn to conform his behavior to reasonable expectations.

FINAL DECISION AND ORDER

The clinical day program placement proposed by the Board is appropriate to meet the child's educational and emotional needs and constitutes a free appropriate public education in the least restrictive setting.