

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parents: Attorney David C. Shaw
Law Offices of David C. Shaw, LLC
34 Jerome Avenue, Suite 210
Bloomfield, CT 06002-2463

Appearing on behalf of the Board: Attorney Susan C. Freedman
Shipman & Goodwin LLP
One American Row
Hartford, CT 06103-2819

Appearing before: Attorney Mary Elizabeth Oppenheim
Hearing Officer

ISSUES:

Parent's Issues:

1. Whether the IEP for the 2002-2003 and 2003-2004 school years were/are appropriate.
2. Whether the Board failed since at least September 2002 to consider placing [the Student] in regular classes (defined as spending 80 percent or more of his time with non-disabled students) with supplementary aids and services (including, but not limited to, a mutually acceptable independent consultant, individualized reading instruction, hearing supports and oral motor therapy) and modifications to the general education curriculum.
3. Whether the Board has otherwise failed to comply with 20 U.S.C. 1412(a)(5)(A) for the 2002-2003 and 2003-2004 school years.
4. Whether the Board failed to implement the ESY program during the summer of 2003.
5. Whether the Board dismissed the independent consultant to the Student's program without the Parent's consent and without holding a PPT meeting in violation of the IDEA.
6. Whether the decisions made at the PPT meeting held on November 25, 2003, without the Parent's attendance shall be invalidated.

Board's Issues:

1. Whether the Parent, assisted by an experienced educational advocate, participated in the development of and agreed to the Individualized Education Programs for the Student for the 2002-2003 and 2003-2004 school years.
2. Whether the Planning and Placement Team, including the Parent and the advocate, considered but rejected placement in regular education for 80 percent of the time,

developing a program which included time with typical peers and instruction in special education classes with learning disabled students.

3. Whether the Parent declined the Extended School Year program offered by the Board.

4. Whether the Board has the right to determine the identity of the independent inclusion consultant hired by the Board to assist the district as a whole in review of current programs, training of staff and other inclusion topics.

5. Whether the Board has the right to hold a PPT pursuant to 34 C.F.R. Section 300.345(a) without the Parent present after the Parent unreasonably cancels two previously noticed PPTs.

FINAL DECISION AND ORDER

The matter was assigned on November 20, 2003, and a prehearing conference was held on November 25.

Prior to the first day of hearing, the Parent's attorney requested that the State of Connecticut be joined as a party to this case because, despite the Parent's complaint to the state on May 21, 2003, the Connecticut Department of Education allegedly failed to take meaningful action to ensure that the Board consider placing the Student in regular classes. [Exhibit H.O.-2] At the first day of hearing, the request to add the Department of Education as a party was denied.

The hearing convened on December 16, at which time the Parent's attorney and Board's attorney were afforded time to attempt to settle the case. After substantial settlement discussions, the attorneys for both parties reported that the matter was tentatively settled, pending agreement on an independent consultant. This matter was continued to the next scheduled hearing date. On December 30, the Parent's attorney filed a notice that the matter was settled.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, with prejudice.