

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

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Appearing on behalf of the Board:

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Appearing before:

Mary H.B. Gelfman, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES (as of January 14, 2008):**

1. Have the Board's Individualized Education Programs (IEPs) and placements for the school years 2006-2007 and 2007-2008 provided Student with a free appropriate public education in the least restrictive environment?
2. \*Has the Board provided the supplementary aids and services and modifications to the general education curriculum necessary to support Student's participation in regular education classrooms, and to prevent unnecessary removal from the regular classroom, pursuant to 20 U.S.C. § 1412(a)(5)(A)?
3. \*Was the Extended Year Program (ESY) offered by the Board for the summer of 2006 appropriate to the Student's special education needs at that time?
4. \*If Student's progress in the Board's 2005-2006 program and placement was not adequate, allowing for Student's individual needs, and/or if the Board's ESY program for 2006 was not appropriate, was the Lindamood-Bell reading program provided by Parents during the summer of 2006 appropriate to Student's special education needs?
5. If so, is the Board required to reimburse the cost to Parents of the Lindamood-Bell instruction?

6. \*The Board and Parents have agreed on securing the services of some independent consultants to address development and implementation of Student's IEP. Should this consultation include observation of Student's classroom instruction, training of personnel delivering Student's program, implementation of academic instruction based on peer reviewed literature, implementation of an appropriate program of assistive technology, attendance at planning meetings, and making and implementing written recommendations relating to the child's program and progress?
7. \*Is Student entitled to compensatory educational services? Does the hearing officer, appointed pursuant to Section 10-76h, C.G.S., and 20 U.S.C. § 1415(f), have the authority to order the Board to provide compensatory education extending beyond the 2008-2009 school year?

Issues marked \* have been added or modified.

### **PROCEDURAL HISTORY:**

This hearing was requested on December 4, 2007, and the hearing officer was appointed on December 5, 2007. A pre-hearing conference was held on January 4, 2008. At that time, the parties reported that they were requesting mediation and the first available date for mediation was February 11, 2008. To accommodate this mediation schedule, the hearing officer extended the mailing date for the decision from February 17 to March 18, 2008. After hearing dates of February 26 and 27 and March 3 and 12 were selected, the decision date was again extended to April 17, 2008.

Hearing dates were postponed as the parties reported progress with settlement negotiations, and by letter dated April 4, Parents reported that an agreement had been reached and requested that the case be dismissed with prejudice.

All motions and objections not previously ruled upon, if any, are hereby overruled.

### **CONCLUSIONS OF LAW AND DISCUSSION:**

Section 10-76h, Connecticut General Statutes (C.G.S.), authorizes an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Section 4-181a. Federal regulations at 34 C.F.R. § 300.511 also provide for special education hearings.

### **FINAL DECISION AND ORDER:**

A settlement agreement having been reached, this matter is DISMISSED, with prejudice.