

DEPARTMENT OF EDUCATION

Student v. Board of Education

Appearing on Behalf of the Parents: Attorney Nora Belanger
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10 Wall Street
Norwalk, CT 06850

Appearing on Behalf of the Board: Attorney Craig Meuser
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30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the Program offered by the Board for the 2007-2008 school year appropriate and did it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq?
2. Was the Program offered by the Board for the 2008-2009 school year, including extended school year (ESY), appropriate and did it provide the Student with FAPE in the LRE as required in 20 U.S.C. §§ 1401 et seq?
3. Was the Program offered by the Board for the 2009-2010 school year, including ESY, appropriate and did it provide the Student with FAPE in the LRE as required in 20 U.S.C. §§ 1401 et seq? If not;
4. Does an out of district program at Foundation School provide the Student with FAPE in the LRE?
5. Should the Board reimburse the Parent for the independent evaluations and consultations?
6. Should the Board provide a feeding expert to assist the Student during the 2009-2010 school year?
7. Should the Board reimburse the Parents for the speech and feeding services provided to the Student during the 2007-2008 and 2008-2009 school years?
8. Is the Student entitled to compensatory education for the procedural violations that denied the Student FAPE during the 2007-2008 and 2008-2009 school years?
9. Should the Board reimburse the Parents for their unilateral placement of the Student for the summer program of 2009?

FINAL DECISION AND ORDER**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 6 years and 5 month old boy who has been previously identified with Autism and is entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents rejected the Board’s program for the Student for the 2009-2010 school year and requested placement of the Student at the Foundation School. The Board denied the Parent’s request and the Parents filed for due process.

On or about July 6, 2009 the Board received notice of the Parents' request for due process. Mediation was held on August 18, 2009 in lieu of a resolution meeting. An impartial hearing officer was appointed on July 8, 2009 and a pre-hearing conference was held on July 16, 2009. A hearing date of September 7, 2009 was chosen by the parties. In an electronic transmission the parties informed the hearing officer that the matter was settled and it was being withdrawn with prejudice.

At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing dates, the date for the filing of the Final Decision and Order was extended.

The date for the Final Decision and Order is September 30, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.