

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Plainville Board of Education v. Student

Appearing on Behalf of the Parents: Pro Se

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Should the Hearing Officer compel the Parents to allow professionals at Chamberlain School, accompanied by the Student, to visit and observe the proposed program at Manchester Memorial Clinical Day School and to communicate verbally and in writing with the professionals in the Manchester Program about the Student’s present levels and intensity of service at Chamberlain School?
2. Is the program proposed by the Board to transition the Student from his current program to the Memorial Clinical Day School (MCDS), with appropriate behavior and emotional supports appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
3. Is the Student’s current program at Chamberlain School appropriate and does it provide the Student with FAPE in the LRE?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education (“FAPE”) as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parent rejected the Board’s request to observe the Student in the current placement and to change the placement to an approved therapeutic day program in the State of Connecticut with appropriate academic, emotional and behavioral supports. The Board filed for a due process hearing. An impartial hearing officer was appointed on August 18, 2010 and a pre-hearing conference was held on August 27, 2010. Hearing dates of September 8 and 13, 2010 were chosen by the parties.

At the September 13, 2010 hearing date the parties recessed to discuss settlement. After the discussion the parties informed the hearing officer that they had an agreement and needed additional time and requested a 30 day extension to resolve the matter.

In a letter, the Board attorney informed the hearing officer that the matter had been resolved and withdrew the request for due process with prejudice. In order to accommodate the mailing of a final decision and order after the hearing date, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is November 2, 2010.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED WITH PREJUDICE.