

April 20, 2011

Final Decision and Order 11-0144

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent:

Mother, *Pro se*

Appearing on behalf of the Board:

Michelle Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. What is the Student's "stay put" placement pursuant to 34 C.F.R. §300.518 (a)?
2. Does the Student require homebound tutoring to address her special education needs?
3. If she does require homebound tutoring, what should her homebound program include?
4. Does the Student require more than ten hours of homebound tutoring per week?
5. Does the Student need adaptive equipment in order to benefit from special education? If so, what specific equipment does she require?
6. Does the Student need Occupational Therapy, Physical Therapy and/or Adaptive Technology evaluations?
7. Does the Student need School Social Work services?
8. What specific program adaptations, modifications and/or accommodations does the Student require in order to benefit from Special Education?
9. Does the Student require testing accommodations?

PROCEDURAL HISTORY:

This hearing was requested by Parent on 9/28/2010, although the Board did not receive a copy of the request until 10/4/2010. The Hearing Officer was appointed on 10/7/2010. The original date for mailing the decision was 12/12/2010. A pre-hearing conference by conference telephone call was held on 10/19/2010. At that time, the Parties reported that a resolution meeting was scheduled for later that day. The hearing was scheduled for 12/7 and 12/14/2010, and the Parties requested that the mailing date be extended to accommodate those dates. The Hearing Officer extended the mailing date to 1/11/2011.

Following a Planning and Placement Team (PPT) meeting on November 9, 2010, the Board filed a Motion to Dismiss on 11/17/2010, claiming that all Parent's issues had been addressed in a revised Individualized Education Program (IEP). The Parent opposed the Motion to Dismiss by email dated 11/19/2010. The Hearing Officer denied the Motion to Dismiss on 11/20/2010.

The Board sent their exhibits and witness list to the Parent and to the Hearing Officer on 11/29/2010, in conformance with the "five day rule" (34 C.F.R. §300.512 (a) (3) and Section 10-76h-12, Regulations of Connecticut State Agencies (R.C.S.A.)). Subsequent additions to the Board's exhibits were submitted on 3/17, 3/18, 3/21, 3/22 and 4/6, 2011. Parent initially tried to send her exhibits to the Board's Attorney by FAX, but there were too many documents for this to be a practical delivery method. After various communications, Parent's exhibits were offered at the initial hearing session on 1/26/2011. The Board objected and the Hearing Officer acknowledged the unreasonable delay but accepted the exhibits. It later developed that many of the Parent's exhibits duplicated Board exhibits or items in the Hearing Officer's administrative record (see Appendix A).

The Parties requested mediation, which was scheduled for 12/7/2010. At that mediation session, it was agreed to re-convene on 12/14/2010. The Hearing Officer postponed the hearing to accommodate mediation. The December mediation session was postponed due to the Student's illness. The Parties requested that the mailing date be extended to accommodate settlement negotiations, and the Hearing Officer granted that request, extended the mailing date from 1/11 to 2/10/2011, on 12/14/2010. The second mediation session was scheduled for 1/11/2011.

On 12/21/2010, the Hearing Officer re-scheduled the hearing for 1/26, 2/15 and 2/22/2011, and extended the mailing date from 2/10/11 to 3/12/2011. On 1/13/2011, Parent informed the Hearing Officer that mediation had not resolved the dispute.

On 1/26/2011, prior to convening the hearing, the Hearing Officer tried to clarify the status of Parent's exhibits. When the hearing formally convened on the record, the Board renewed their Motion for Dismissal and responded to each of the Parent's nine issues as either resolved or in the process of resolution. Parent objected to dismissal, stating that her questions had not all been answered and not all the evaluations had been completed and discussed by the PPT. Meanwhile, a snow storm had started and the school district had ordered an early dismissal. The Hearing Officer scheduled another hearing date for 3/22/2011, providing time for completion of the evaluations and another PPT meeting. She also extended the mailing date to 4/21/2011. The hearing was then adjourned early because of the snow storm.

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On 3/14/2011, the Board filed an amended Motion to Dismiss. The Parent responded on 3/15/2011, with an objection that several items were still in dispute. On 3/15/2011, another PPT meeting was held, again narrowing the dispute.

The hearing was concluded on 4/7/2011, with the Hearing Officer's statement that she had heard and read enough information to decide the case, and did not require additional testimony or argument.

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

SUMMARY:

This dispute began with Parent's requests for homebound instruction and the Board's insistence that appropriate supporting medical documentation be submitted. The Parent requested several evaluations and questioned the content and sufficiency of the homebound instruction offered. PPT meetings continued and the Board addressed most of the issues in dispute, but Parent disagreed and tried to raise additional issues, which were not acceptable to the Board and were not added by the Hearing Officer.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

This Final Decision and Order sets forth the Hearing Officer's summary, findings of fact and conclusions of law. The findings of fact and conclusions of law set forth herein, which reference certain exhibits and witness testimony, are not meant to exclude other supported evidence on the record. To the extent that the procedural history, summary, and findings of fact actually represent conclusions of law, they should be so considered, and vice versa. For reference, see *SAS Institute Inc. v. H. Computer Systems, Inc.*, 605 F.Supp. 816 (M.D. Tenn. 1985) and *Bonnie Ann F. v. Calallen Independent School District*, 835 F.Supp. 340, 20 IDELR 736 (S.D. Tex. 1993).

FINDINGS OF FACT:

After considering all the evidence submitted by the Parties, including documentary evidence and testimony of witnesses, I find the following facts.

1. The Student was born on 5/19/1995, and is now fifteen years of age. (Ex. B-14)
2. She was evaluated at the Yale Center for the Study of Learning and Attention in 2004. This evaluation report recommended specific techniques for teaching her reading and a behavioral program to improve attention. (Ex. B-1)

3. A psychiatric consultation in 2004 resulted in a diagnosis:

Axis I	Bipolar Disorder R/O Disassociative Disorder
Axis II	Deferred
Axis III	Asthma
Axis IV	Stressors – moderate (difficult older siblings, [Parent's] job as a day caregiver, financial stress)
Axis V	CGAS-70

A trial of medication was recommended. (Ex. B-2)

4. The Board performed a psychological evaluation of the Student in 2005. Her general cognitive ability was found to be within the average range. The evaluator provided ten recommendations for helping her to experience success in school and to believe in her own self-worth. (Ex. B-8)
5. The Student was identified as in need of special education at a PPT meeting on 1/4/2006, and classified as other health impaired. Prior support provided pursuant to Section 504 included help with organization, inattention, and anxiety about tests. Social work counseling had been provided and would continue. Parent attended this PPT meeting and all other PPT meetings listed below. (Ex. B-14)
6. A PPT meeting was held on 5/10/2006 to review her IEP. An Assistive Technology evaluation was planned. (Ex. B-16)
7. Student's Physician wrote "To Whom It May Concern" on 5/15/2006, reporting that trials of various medications for Student's Bipolar Disorder and Attention Deficit Disorder had been unsuccessful and recommended that the Board provide a computer for instruction of Student. (Ex. B-17)
8. An Assistive Technology (AT) Consultation dated 6/19/2006 recommended specific computer software with "purposes and strategies" to direct their use with Student. (Ex. B-19)
9. At a PPT meeting held on 6/20/2006 the team agreed to provide recommended AT software and revised Student's reading goal. (Ex. B-20)
10. A review of Student's progress on IEP goals and objectives dated 11/2006 showed satisfactory progress on her organization goal. (Ex. B-21)
11. At a PPT meeting held on 12/19/2006 the team reported on Student's progress in academics and emotional issues. She was receiving support in the regular education classroom and counseling. (Ex. B-24)
12. A re-evaluation of "academics, cognition and social work" was planned at a PPT meeting held on 9/25/2007. Supports for reading and organization were increased and counseling continued. (Ex. B-27)

13. Student's anxiety related to testing was addressed at a PPT meeting held on 10/23/2007. The IEP was modified. (Ex. B-30)
14. An AT Consultation dated 10/2007 recommended purchase of additional computer software and related training for Student and School Staff. (Ex. B-31)
15. A review of Student's progress on IEP goals and objectives dated 11/2007 showed satisfactory progress on her organization and reading goals and mastery of her goal to increase her self-image. (Ex. B-32)
16. A PPT meeting held on 11/19/2007 revised Student's IEP and addressed use of AT in her program. (Ex. B-35)
17. A Triennial Psychological evaluation of Student dated 1/2008 included a review of school records, testing and observations. Recommendations:
 - Continued individualized instruction to increase reading fluency.
 - Increase feedback ... to encourage her to feel more confident ...
 - ... check for understanding often
 - Stress management
 - Assign a supportive partner for group activities
 - "Keep Calm" activity
 - Regular communication among School Staff, Parent and Student's Psychiatrist.(Ex. B-37)
18. At a PPT meeting held on 1/29/2008 triennial evaluation results were reviewed and the Student's IEP was revised. Her Present Levels of Academic Achievement and Functional Performance were reported:
 - Academic/Cognitive/Language Arts [test scores]**
 - Strengths: verbal comprehension, reading decoding.
 - Concerns: written expression
 - Academic/Cognitive/Math [test scores]**
 - Strengths: [none listed]
 - Concerns: math calculations
 - Impact of Student's Disability:** weaknesses in written expression and math calculation caused by ADHD/Bipolar diagnosis impact progress in the general curriculum.
 - Behavioral/Social/Emotional:** difficulties with friendships reported by [Social Worker] Parent, Student
 - Strengths: As reported by teachers and Parent, [Student] wants to please and feels like any questions are bugging them or complaining
 - Concerns: As reported by teachers, [Student] does not initiate conversations with peers, which often has her feeling upset or lonely.
 - Impact: [Student] dislikes coming to school due to her difficulties with friendships. Her negative feelings about school interfere with her progress in the general education. (Ex. B-38, pp. 3-5)

19. Goals written at the 1/29/2008 PPT meeting:
 - Demonstrate an improvement in written language skills necessary to write for information, understanding and written expression.
 - Demonstrate an improvement in comprehension skills necessary to read for information & understanding.
 - [Student] will increase her self-image.
 - [Student] will reduce her anxiety around test taking. (Ex. B-38, pp. 6-9)

20. Program Accommodations and Modifications for all academic sites that include reading, writing and math, as listed in the 1/29/2008 IEP:
 - Materials/Books/Equipment:** Victor Reader; books on tape; typing instructor deluxe; Speak Q; Buddy 750 Andrea headset; color overlays; access to computer.
 - Tests/Quizzes/Assessments:** open notes for testing; prior notice of tests; extra time if requested; monitor long term assignments; oral testing if needed; DCMT to be modified.
 - Grading:** modified grades based on IEP.
 - Organization:** provide study outlines; agenda for HW; prioritize HW assignments.
 - Environment:** use of Speak-Q in quiet area.
 - Behavioral Interventions and Support:** daily feedback; positive reinforcement; structure transitions.
 - Instructional strategies:** check work in progress; break down long assignments.(Ex. B-38 p. 10)

21. Testing accommodations were provided in the 1/29/2008 IEP: reader, word processor, time extension, test setting. (Ex. B-38, p.12)

22. The 1/29/2008 IEP included special education support in reading, organization and written expression. Counseling continued, and it was noted that “[Student] will participate in all activities”. (Ex. B-38, p. 14)

23. The PPT met on 10/14/2008, and added a behavior plan to address the organizational goal in the IEP. (Ex. B-41)

24. Student’s progress on her goals and objectives was reported in 11/2008. She had made satisfactory progress in all IEP goals. (Ex. B-42)

25. The PPT met on 1/27/2009 to conduct an annual review. Student attended this meeting. Her Present Levels of Academic Achievement and Functional Performance were reported as :
 - Academic/Cognitive/Language arts:**
 - Strengths: [Student] exhibits creative ability and enthusiasm. Her comprehension is on grade level.
 - Concerns: Homework completion and her ability to focus for extended periods of time.
 - Academic/Cognitive/Math:**
 - Strengths: [Student] is a quick learner and has sufficient computation skills.
 - Concerns: Length of assignments and tests.

Behavioral/Social/Emotional:

Strengths: able to express feelings and emotions.

Concerns: Has trouble coping with feelings and emotions and sometimes exhibits emotional outbursts. (Ex. B-43, pp. 4-5)

26. The reading and written language skills goals were unchanged at the 1/27/2009 PPT meeting. The social/behavioral goal was changed:

[Student] will demonstrate an improvement in self-awareness and self-concept.

Objectives were:

[Student] will demonstrate the ability to identify her feelings of frustration when they occur.

[Student] will demonstrate the ability to identify and discuss anxiety related to academic competitive situations.

[Student] will demonstrate the ability to identify and discuss anxiety related to social interaction and situations. (Ex. B-43 p. 9)

27. The PPT met on 5/19/2009, to discuss transition planning to high school at Cooperative Arts & Humanities (CO-OP). Student's three goals were all marked satisfactory progress. Student would be given accommodations for Districtwide Assessments: Reader, Test Setting, Time extension, Voice Recognition Software, and Word Processor. Collaboration was planned to train School Staff members to use her software and a transition to a new School Social Worker for counseling. (Ex. B-44, pp. 2, 7-9, 11)

28. The PPT met on 6/16/2009. Student attended this meeting. The Team discussed accommodations to be provided at CO-OP and agreed to training for staff, in part by Student. (Ex. B-45, p. 2)

29. By letter dated 9/1/2009, Student's Pediatrician requested that Student be excused from participating in dance/exercise when "she is experiencing pain, stiffness or abnormal movement". (Ex. P-57)

30. A chain of emails between Parent and School Staff members concerning Student's courses and schedule at CO-OP began on 8/9/2009. Student's schedule had not included Spanish or Social Studies and no counseling was scheduled. Parent asked that corrections be made in the schedule prior to the opening of school. Emails dated 8/11/2009 indicate that CO-OP Staff were trying to address these problems. (Ex. B-47, pp. 13-15, P-55)

31. After school started in late 8/2009, Parent emailed the CO-OP PPT Chair on 9/9/2009, that Student was having difficulties with her school schedule, school bus, and health problems. She concluded with a list of nine items that Student needed help with as soon as possible. (Ex. 47, pp. 12-13, P-55)

32. The CO-OP PPT Chair responded immediately to Parent's 9/9/2009, email, reporting that Student had not asked for any help at school and explaining the school schedule. Parent responded with another request for organization help for her daughter as well as other IEP services. (Ex. B-47, pp. 10-12, P-55)

33. By email dated 9/22/2009, the CO-OP School Social Worker informed Parent that she was meeting with Student weekly on Tuesdays. (Ex. B-47, pp. 8-9, P-55)
34. By email dated 9/24/2009, Parent thanked the School Social Worker for her help and provided background information about Student, including her computer's role, problems in prior years and reading issues. (Ex. B-47, pp. 6-8, P-55)
35. In a 9/26/2009 email from Parent to the CO-OP PPT Chair, Parent requested the minutes from a meeting "last week" and offered more information about Student's medical issues. (Ex. B-47, pp. 8-10, P-55)
36. An Interim Progress Report dated 10/15/2009 included comments from Student's CO-OP English, Geometry, World History, Resource, Science and Survey Dance Teachers. Comments were: A pleasure to teach (3), A good student doing good work (3), Participates constructively (4), Assignments are done well (2), Fell behind, but is catching up (1), Listens attentively (1), Puts forth maximum effort (1), Finds subject difficult but tries (1) and Strong in some areas; needs work in others (1). (Ex. P-61)
37. The PPT met on 10/27/2009. The Student attended this meeting. The Team added more accommodations to District/Quarterly Assessments: extra time (up to 50% extra time for each test), alternative testing setting if necessary, and access to a word processor for open-ended questions requiring an answer longer than 1 page. Other IEP changes were: discontinue using a reader for tests and implement a goal to encourage daily attendance. School District attendance and truancy policies were discussed. Parent would provide medical documentation to the PPT. (Ex. B-46, p. 2)
38. The attendance goal added on 10/27/2009 was: [Student] will be able to maintain regular school attendance by arriving prior to 7:25 a.m. 95% of the time as measured by daily homeroom attendance records. Objectives for this goal:
 - From October 28th to November 30th, [Student] will improve her rate of timely, daily attendance from 65% to 75%.
 - From December 1st to December 23rd, [Student] will improve her rate of timely, daily attendance from 75% to 85%.
 - From January 4th to January 22nd, [Student] will improve her rate of timely, daily attendance from 85% to 95%. (Ex. B-46, p. 10)
39. By email dated 10/29/2009, Parent wrote:
 - Do not implement any changes in [Student's] IEP. Do not administer any Districtwide assessments. I need to consult with [Student's] doctors. Do not administer any standardized tests.She also provided a summary of Student's medical history and Student emailed a request for "all my missing work and assignments" on 10/30/2009. (Ex. B-47, pp. 4-6)

40. An email dated 11/1/2009 from Parent to the CO-OP PPT Chair requested assistance in collecting Student's possessions left at school and the possibility of a transfer to another high school. Student would be at home and would email her assignments to her teachers. (Ex. B-47, p. 4)
41. By email dated 11/2/2009 the CO-OP Principal responded to Parent that since Student "... is not on an approved home study program" teachers would not be sending her assignments by email or accepting assignments by email. She hoped that a scheduled PPT meeting would address Parent's concerns. (Ex. B-47, pp. 3-4)
42. The PPT met on 11/5/2009. Student attended this meeting. Parent stated that she was not rejecting the 10/27/2009 IEP. Parent brought an attorney to this meeting, and the School staff deferred discussion of some topics to a further meeting where the Board would also be represented by counsel. (Ex. B-48, pp. 2-3)
43. Present Levels of Academic Achievement and Functional Performance reported at the 11/5/2009 PPT meeting were:
- Academic/Cognitive/Language Arts:**
 - Strengths: Teacher reports from 10/27/09 PPT indicate that [Student] reads aloud during class and has an advanced content-area vocabulary as compared with her classmates.
 - Concerns: [Student] misses in-class discussions due to absenteeism and does not consistently make up missed work.
 - Impact: [Student's] disability affects her ability to withstand high stress and anxiety situations.
 - Academic/Cognitive/Math:**
 - Strengths: [Student] is a quick learner and has sufficient computation skills.
 - Concerns: Length of assignments & tests.
 - Impact: The Student's disability affects her ability to complete all of the assigned problems.
 - Behavioral/Social/Emotional:**
 - Strengths: Able to express feelings and emotions.
 - Concerns: Has trouble coping with feelings and emotions and sometimes exhibits emotional outbursts.
 - Impact: Student's emotional state impacts ability to perform in high stress situations. (Ex. B-48, pp. 5-6)
44. The PPT met on 12/22/2009. Student attended this meeting. Student had transferred to the High School in the Community (HSC). The PPT offered a "Modified Day" schedule, starting school at about 9:30 a.m. School Social Work services were to be provided on the days that the School Social Worker was available and Student was in school. Parent would provide more information after planned medical consultation at Massachusetts General Hospital during winter vacation. The IEP was unchanged pending another PPT meeting. (Ex. B-49, p.2)

45. Student's Pediatrician wrote the Principal at HSC on 1/11/2010 requesting homebound instruction for Student. This letter included specific diagnoses of several disorders and possible medication side effects, and also mentioned consultation at Massachusetts General Hospital. (Ex. B-50)
46. Student was admitted to the Hospital of Saint Raphael on 1/20/2011 and was enrolled in the school program provided there. Her discharge date was given as 2/1/2010. (Ex. B-52)
47. The PPT met on 1/26/2010 with the Board's Counsel present. The triennial evaluation due 1/2011 was discussed. Parent requested homebound instruction as well as home use of the computer that Student had been using at school. Parent consented to the triennial evaluation. (Ex. B-53, pp. 1-2)
48. Present Levels of Academic Achievement and Functional Performance were reported at the 1/26/2010 PPT meeting:
- Academic/Cognitive/Language Arts:**
 - Strengths: Student shows interest & ability, on task and cooperative.
 - Concerns: [Student] misses in-class discussions due to absenteeism and does not consistently make up missed work. Difficult for teachers to assess abilities due to excessive absenteeism due to non-school related issues.
 - Impact: [Student's] disability affects her ability to withstand high stress and anxiety situations.
 - Academic/Cognitive/Math:**
 - Strengths: [Student] is a quick learner and has sufficient computation skills. Is able to draw.
 - Concerns: Length of lessons/tests.
 - Other Academic/Nonacademic Areas:**
 - Strengths: Student does well with new concepts; asks questions for clarification; motivated to learn; often on task and cooperative.
 - Concerns: Excessive absenteeism is hampering success.
 - Behavioral/Social/Emotional:**
 - Strengths: Able to express feelings and emotions.
 - Concerns: Needs to develop appropriate self advocacy skills.
 - Vocational/Transition:**
 - Concerns: Lack of attendance at school and in classes.
 - Impact: Given [Student's] poor attendance, she struggles with developing a schedule and routine to access general education content. (Ex. B-53, pp. 4-5)
49. The PPT met on 2/23/2010. Parent refused consent to release of Student's medical records to the Board from the Hospital of Saint Raphael and Student's pediatric group. The PPT approved homebound instruction of ten hours a week, with the homebound tutor to also provide counseling. A letter from Student's Pediatric Group dated 2/22/2010 was included with the PPT record. (Ex. B-55, pp. 2-3, 20)

50. Parent provided a Protocol for School that was dated 2/22/2010 but included no identified medical source. This document is included with the 2/23/2010 PPT record. (Ex. B-55, pp. 22-28)
51. By letter dated 4/29/2010 Student's Pediatrician noted benefits from homebound instruction and requested that it be provided during the summer. (Ex. B-57)
52. The report of a medical consultation dated 5/11/2010 from a physician in the Division of Human Genetics at the University of Connecticut Health Center summarized Student's medical history and current health status, noting current consultations at Yale and Boston Children's Hospital. This report was provided to the Board's Department of Student Services on 6/9/2010. (Ex. B-60)
53. The report from Student's Homebound Tutor for 3/8/2010 through 5/28/2010 showed two hours of instruction on each of 36 days. Student earned a grade of A (100-90) in English, Geometry, World History, and Science. (Ex. B-63)
54. The PPT met on 6/8/2010. Both Parent and Board were represented by Counsel at this meeting. Homebound instruction would terminate with the end of the 2009-2010 school year and Student would return to HSC next year. Parent would need to produce medical documentation at the beginning of the 2010-2011 school year if homebound instruction was requested. Instruction during the summer was denied. The PPT requested that the Parent sign consent for release of medical records to the Board. (Ex. B-64, pp. 1-2; B-68)
55. The 7/1/2010 report of a consultation at the Department of Genetics, Yale School of Medicine, includes a list of 30 current medications, supplements and vitamins taken by Student, and the comment that some of Student's symptoms may be related to medication. Medical tests were ordered. (Ex. B-65)
56. By letter dated August 5, 2010, the Board notified Parent that Student would be attending HSC on 9/1/2010, unless an updated letter from her physician (requesting homebound instruction) was received. (Ex. P-119)
57. By letter dated 8/17/2010, a member of Student's Pediatric Group requested homebound instruction. Acknowledging the continuing search for a diagnosis, this physician concluded the letter:

I remain committed to returning her to school as soon as possible. For now, homebound tutoring is necessary because of the frequency and unpredictability of her episodes. It would be unsafe for her to be at school without medical supervision. (Ex. B-70)
58. A Board Special Education Supervisor responded to the request for homebound instruction by letter dated 9/2/2010. Finding the physician's letter of 8/17/2010 inadequate, the Supervisor enclosed consent forms for release of medical information to the Board. She also sent notice of a PPT meeting scheduled for 9/21/2010 and forms for initiating due process. (Ex. B-71)

59. The PPT met on 9/21/2010. The PPT did not approve homebound instruction. Parent signed consent for Board staff to speak with Student's psychiatrist and her Pediatrician. (Ex. B-76, p. 2, B-78)
60. A letter dated 9/21/2010 from a physician at the Kennedy Krieger Institute was received on 9/22/2010 by the Board. This letter summarized Student's symptoms and medical test results. (Ex. B-77)
61. Student's Pediatrician wrote another letter on 9/21/2010 requesting unspecified accommodations at school for Student. She enclosed an article discussing Mitochondrial Diseases, one of the diagnoses being considered for Student. (Ex. B-79)
62. The report of a Physical Therapy (PT) evaluation dated 9/28/2010 includes Student's history and lists impairments/limitations: Dystonia, Decreased functional mobility, Decreased coordination and Decreased balance. Associated impairments/limitations are extensive neuropsychiatric history and medications, and generalized pain. This evaluation recommended PT once a week and provided specific goals. (Ex. B-80)
63. Student's Psychiatrist wrote a follow-up letter on 10/1/2010 to the Board's Director of Public Health Nursing after a telephone consultation. After discussing the difficulties in the search for a specific diagnosis, the Psychiatrist requested homebound tutoring because of Student's fatigue. (Ex. B-85)
64. Student's Pediatrician write a request for homebound instruction on 10/6/2010. She wrote another request for homebound instruction on 11/9/2010. (Ex. B-86, B-89)
65. The PPT met on 11/9/2010 and approved homebound instruction. PT, AT, and Occupational Therapy (OT) evaluations were agreed to. Parent consented to release of the 9/28/2010 PT evaluation to the Board. (Ex. B-90, p. 2)
66. Student's Homebound Tutor reported on services provided from 11/15/2010 through 12/23/2010, fifteen days of actual instruction. Student received a grade of A in English II, Algebra II, Social Studies and Biology. (Ex. B-111)
67. A PT consultation was held on 2/28/2011 at Student's home. The homebound tutor and Parent were present. Concerns affecting her return to school were listed:
 - Impact of reported medical status/medications
 - Sleep pattern, waking in afternoon
 - Strength/endurance for educational setting
 - Need for mobility support/supportive seating
 - Assistance as needed for safe participation (i.e. wheelchair mobility)
 - Availability of school nurse, as needed for medical concerns that may arise(Ex. B-93)
68. An AT evaluation report dated 2/27/2011 included a list of recommended equipment and training for Student and/or School Staff. (Ex. B-94)

69. A triennial psycho-educational evaluation was performed on 12/6/2010, 1/19/2011 and 2/9/2011. Student's homebound tutor reported that she performed at grade-level standards in Basic Reading Skills, Reading Comprehension, Mathematics Calculation, Mathematics Reasoning, Written Expression and Spelling. She exceeded age/grade-level expectancies in Oral Expression and met age/grade-level expectancies in Listening Comprehension. She scored in the average range in IQ, cognitive ability, and several other measures. Her achievement scores for listening comprehension and oral expression skills, sight-word reading and word decoding skills were in the average range. Her reading comprehension and fluency and writing skills were in the below average range. Math skills were low average. (Ex. B-95)
70. The PPT met on 1/25/2011 and reviewed the PT and OT evaluations. Student attended this meeting. AT and Psychological evaluations were not yet completed due to scheduling problems. The Team approved continued homebound instruction. (Ex. B-96, p. 2)
71. The 1/25/2011 PPT added to Present Levels of Academic Achievement and Functional Performance;
- Fine and Gross Motor:** Skills within functional limits during assessment though medical status was reportedly "good" on the day of the assessment and these skills tend to fluctuate. Homebound due to medical status. [Student's] ability to complete self-care tasks fluctuates with her medical status.
- Strengths: Right hand dominant, manipulation and grasp patterns to use common school tools, tracing and cutting skills, managing clothing fasteners.
 Unpredictable at this time due to medical status; functional at times.
 Concerns: Endurance/pace for written tasks, postural control/overall endurance.
 Impact of medical status including sleep pattern, strength/endurance, need for mobility/seating support, assist for safe participation as needed.
 Impact: Level of performance varies secondary to medical status and may necessitate modifications/accommodations. Awaiting PPT to determine [Student's] ability to return to school setting. At this time, consultation [while on] homebound. (Ex. B-96, p. 6)
72. A 3/17/2011 Health Report from the School Nurse summarized Student's health problems, listed eleven physicians consulting and/or providing care. Eight allergies were listed, and available Epi-Pen was noted. Eight current medications were listed plus six supplements and vitamins. Nurse's summary:
- [Student] continues to remain on homebound status. There is documented concern of "polypharmacy" use by some of the consulting physicians. This could contribute to the confusing array of clinical symptoms that [Student] exhibits, challenging a definitive diagnosis of "presumed mitochondrial disease".
- [The Pediatrician/School Medical Advisor] spoke with [Student's Pediatrician who] said that she has referred [Student] to several doctors at YNHH for consultations in neurology and genetics. [Student's Pediatrician] will share the evaluations with [School Medical Advisor] as they become available.

[Student's] medical condition is complicated with an unknown etiology for her clinical symptoms. She is on numerous medications and is also under the care of Psychiatrist. [Student's Pediatrician] hopes to have a clearer picture of [Student's] condition by May when the 6 month extension [of] homebound ends. (Ex. B-97)

73. A School Social Work assessment dated 12/8/2010 and 1/11/2011 was based on a clinical interview with Student and Parent and a review of school records. During Student's interview she expressed a desire to return to school because she has few friends. (Ex. B-103)

74. The PPT met on 3/15/2011 to review Student's psycho-educational evaluation, PT consultation, AT assessment and School Nursing report. The Homebound Tutor reported that during the recent 29 school days Student had been sick six days and was excused to participate in the psycho-educational evaluation on three days. The Tutor also reported that Student is making academic progress, but has ongoing energy and fatigue issues. (Ex. B-98, pp. 2-3)

75. At the 3/15/2011 PPT meeting, Student's Present Levels of Academic Achievement and Functional Performance were amended to include:

Behavioral/Social/Emotional:

Strengths: Able to advocate for herself,

Concerns: Student becomes frustrated and is unable to express feelings appropriately.

Impact: Inability to appropriately express frustration impacts relationships with peers and teachers.

Vocational/Transition:

Strengths: Able to express likes and dislikes, participates in college preparatory curriculum. Has extensive volunteer experience. Good days facilitate progress.

Activities of Daily Living:

Strengths: ADL skills are age appropriate on good days.

Concerns: Fluctuations in energy level impact performance of ADL skills.

(Ex. B-98, p. 7)

76. The total times for special education services provided by IEPs:

1/27/2009 IEP	3.50 hours/week
5/19/2009 IEP	5.67 hours/week
6/16/2009 IEP	6.17 hours/week
10/27/2009 IEP	4.50 hours/week
11/5/2009 IEP	4.50 hours/week
12/22/2009 IEP	4.50 hours/week
1/26/2010 IEP	1.50 hours/week plus transition 0.50/quarterly
2/23/2010 IEP	1.50 hours/week plus transition 0.50/quarterly
6/8/2010 IEP	3.00 hours/week
6/8/2010	Transition 1.00 hour quarterly
9/21/2010 IEP	1.55 hours/week
9/21/2010	Transition 0.50 hours/quarterly
11/9/2010 IEP	1.83 hours/daily plus 0.50 transition weekly

1/25/2011 IEP

1.83 hours/daily plus 0.50 transition weekly

3/15/2011 IEP

1.77 hours daily plus 0.60 transition every other day

Throughout this time period, Student was scheduled for counseling 0.50 hours per week. During the times when Student was receiving homebound instruction, there is no documentation as to allocation of the ten hours of tutoring, including four academic subjects and special education. Counseling was also assigned to the Tutor to provide. Her School Counselor changed as she changed schools. (Exhibits B-43 p. 14, B-44 p.13, B-45 p.13, B-46 p. 15, B-48 p. 15, B-53 p. 16, B-55 p.18, B-64 p. 19, B-90 p. 17, B-98 p. 17)

77. The Student's reading and written work goals remained virtually unchanged throughout 2008-2009 and 2009-2010. (See Finding of Fact #19 above)
78. Parent requested that instruction in Spanish be included in the Student's homebound program. This request was rejected by the Board on the grounds that Spanish is a "regular education course". (Testimony, Parent)

CONCLUSIONS OF LAW:

1. Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize 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 Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.
2. Pursuant to Section 10-76d-15 (b), R.C.S.A., the PPT has authority to provide homebound instruction when it finds one or more of the following:
 - A physician has certified in writing that the child is unable to attend school for medical reasons and has stated the expected date the child will be able to return to the school.
 - The child has a handicap so severe that it prevents the child from learning in a school setting, or the child's presence in school endangers the health, safety or welfare of the child or others.
 - A special education program recommendation is pending and the child was at home at the time of referral.
3. Section 10-76d-15 (d), R.C.S.A., provides that at least two hours per day or ten hours per week of instruction be provided for homebound students in grades seven through twelve. While it is agreed that the Student can currently manage two hours of instruction on a good day with homework on her own, if her condition improves she would benefit from an increased amount of tutoring in preparation for a return to school.
4. The Hearing Officer takes administrative notice of the Assessment Guidelines for Administering the Connecticut Mastery Test (CMT), Connecticut Academic Performance Test (CAPT) and Connecticut Alternate Assessments for 2010-2011 and the Connecticut

State Department of Education's 10/30/2009 communication to school districts, "Connecticut Mastery Test and Connecticut Academic Performance Modified Assessment System".

5. Section 34 C.F.R. 300.10 lists core academic subjects: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography. It appears that the Board has no legal basis for refusing to provide Spanish instruction within a homebound program.

DISCUSSION

While the issue of homebound instruction was resolved by the PPT on 11/9/2010, it has been mentioned that the six-month plan for homebound services expires in 5/2011 and that further medical documentation will be required at that time. The State regulations concerning homebound instruction specifically require that a physician provide a written statement that the child is unable to attend school for medical reasons and provide an expected date for the child's return to school. Many, if not all, of the Physician's letters offered by Parent met this standard. A Physician's statement that return to school is hoped for, but cannot be predicted, sufficiently addresses the regulatory requirement.

Many school districts interpret this regulation to require a specific medical diagnosis, and indeed that may be a local district policy. However, no such policy was entered on the record of this hearing.

In Student's case, as various symptoms developed, Parent sought medical advice from a variety of specialists. Parent refused to grant the Board broad access to Student's medical records and provided her own reports, summarizing symptoms, possible drug interactions and other information gleaned from these specialists. Board staff appear to have been suspicious, despite Parent's nursing background and her contacts with reputable specialists. The wording of the regulation cited above is clear, and requests for homebound instruction do require a physician's written statement.

Section 10-76d-15 (b) (1), R.C.S.A., does not require the release of medical records to the school: all that is required is a written statement from a physician. The excellent summary provided by the School Nurse after receiving Parent's consent for consultation with Student's Pediatrician is dated 3/17/2011: it is unfortunate that a similar report was not available to the PPT earlier. Both Parties would also have benefited from a clear statement from the Board, when rejecting a physician's request for homebound instruction, of what was required by the Board to secure such services.

FINAL DECISION AND ORDER:

1. Since homebound instruction was approved by the PPT on 11/9/2010, the issue of Student's stay put placement is moot and therefore DISMISSED.
2. Since homebound instruction was provided at the 11/9/2010 PPT meeting, this issue is moot and therefore DISMISSED.

3. While there has been a problem of Student's fatigue limiting the amount of homebound instruction, such instruction should have included Spanish as requested by Parent. In order to make up lost time in Spanish, the Board shall devise an extended year program for 2011, to provide Spanish instruction to the Student sufficient to meet credit requirements.
4. The PPT shall consult with Student's Pediatrician concerning her availability for additional homebound instruction. Such consultation may be in person at a PPT meeting or through the School Nurse.
5. Since almost all of the equipment recommended by the AT evaluators has been provided (or is on order) this issue is moot and is DISMISSED.
6. Student has received AT, OT and PT evaluations and consultations. This issue is moot and is DISMISSED.
7. Student has received counseling. However, she remains isolated from her peers. The PPT shall explore the possibilities of an electronic connection via her school-provided computer that would enable her to observe and participate in one class on a regular basis.
8. The adaptations, modifications and accommodations documented in the Student's current IEP are sufficient.
9. Testing accommodations have been provided in Student's IEP, including the opportunity to take Districtwide tests apart from other students and to extend the time for completing the tests. She has also been allowed to use her computer, and when necessary to have test questions read to her. These accommodations shall be considered at each PPT meeting, and up-dated as necessary.

APPENDIX A**BOARD EXHIBITS**

Board exhibits 1-111 were delivered on 11/29/2010 and entered on the record 4/7/2011. Because the Board had submitted 1-96 in a timely fashion, and Parent's exhibits were offered on 1/26/2011, the Hearing Officer used the Board exhibits and excluded duplicates submitted by Parent. Other Parent exhibits were excluded because they were irrelevant, could not be identified with a date and the name of the originator, or duplicated the Hearing Officer's Administrative file. All excluded documents are filed with the record of the case.

PARENT EXHIBITS

Parent Exhibits marked "D" were duplicates of Board or Hearing Officer exhibits; "IR" were found irrelevant; and "L" lacked date and/or name of originator.

P-1	D (B-1)	P-45		P-90	D (B-50)	P-135	D (B-77)
P-2		P-46		P-91	IR	P-136	D (HO-1)
P-3	D (B-3)	P-47	IR	P-92	D (B-53)	P-137	
P-4	D (B-4)	P-48	D (B-43)	P-93	IR	P-138	
P-5	D (B-6)	P-49	IR	P-94	D (B-55p20)	P-139	D (B-80)
P-6		P-50		P-95	IR	P-140	IR
P-7	D (B-8)	P-51	D (B-44)	P-96	IR	P-141	IR
P-8	D (B-9)	P-52		P-97	D (B-55)	P-142	D (HO-1)
P-9	D (B-10)	P-53	D (B-45)	P-98	IR	P-143	D (B-85)
P-10	IR	P-54		P-99	IR	P-144	L
P-11		P-55		P-100	IR	P-145	D (B-86)
P-12	D (B-11, 12)	P-56	IR	P-101		P-146	L
P-13	D (B-14)	P-57		P-102		P-147	D (HO-2)
P-14	D (B-16)	P-58	IR	P-103	IR	P-148	D (HO-3)
P-15	D (B-17)	P-59		P-104	D (B-56)	P-149	D (B-87)
P-16		P-60		P-105	D (B-57)	P-150	D (HO-10)
P-17	D (B-19)	P-61		P-106	D (B-58)	P-151	D (HO-10)
P-18	D (B-20)	P-62	IR	P-107	IR	P-152	IR
P-19	D (B-19)	P-63		P-108	D (B-60)	P-153	IR
P-20		P-64	D (B-46)	P-109	D (B-63)	P-154	IR
P-21	D (B-23)	P-65	IR	P-110	IR	P-155	
P-22	D (B-24)	P-66	IR	P-111	D (B-64)	P-156	D (B-89)
P-23		P-67	IR	P-112	D (B-59)	P-157	D (B-88)
P-24	D (B-25)	P-68	IR	P-113		P-158	D (B-90)
P-25	IR	P-69	IR	P-114		P-159	D (B-91)
P-26	L	P-70	IR	P-115	D (B-65)	P-160	D (HO-11)
P-27	D (B-25)	P-71	IR	P-116		P-161	D (HO-16)
P-28	D (B-27)	P-72	IR	P-117	IR	P-162	
P-29	D (B-28)	P-73	IR	P-118	D (B-67)	P-163	
P-30	D (B-30)	P-74	IR	P-119		P-164	D (HO-

P-31	D (B-31)	P-75	IR	P-120	P-165 D (HO-24)
P-32	D (B-35)	P-76	IR	P-121 D (B-70)	P-166
P-33	D (B-33)	P-77	IR	P-122 IR	P-167 D (HO-55)
P-38	D (B-39)	P-82	IR	P-127 D (B-71)	P-168 D (HO-56)
P-39	L	P-83	IR	P-128 D (B-73)	P-169
P-40	D (B-40)	P-84	IR	P-129 D (B-75)	P-170 D (HO-57, 58)
P-41		P-85	IR	P-130 D (B-74)	P-171 D (HO-63)
P-42	D (B-41)	P-86		P-131 IR	P-172
P-43		P-87	IR	P-132 D (B-79)	P-173
P-44		P-88	D (B-49)	P-133 D (B-76)	P-174
P-45		P-89		P-134 IR	

HEARING OFFICER'S ADMINISTRATIVE RECORD

- HO-1 Parent's request for hearing, dated 9/29/2010 and marked as received by the Board's Attorney on 10/4/2010. (5 pages)
- HO-2 Notice of Representation, dated 10/6/2010, and marked received on 10/7/2010, from Attorney Laubin to Gail Mangs, Connecticut State Department of Education.
- HO-2a Notice of Appointment of Hearing Officer dated 10/7/2010
- HO-3 Notice of Pre-hearing Conference dated 10/7/2010, from Hearing Officer to the Parties, with a letter for *Pro se* Parents. (2 pages)
- HO-4 Emails dated 10/7/2010, from Parent to Hearing Officer and response from Hearing Officer to Parent dated 10/8/2010.
- HO-5 Emails dated 10/7/2010, 10/8/2010 and 10/11/2010, among Parent and Hearing Officer. (2 pages)
- HO-6 Emails dated 10/7/2010, 10/8/2010 and 10/12/2010 among Parent, Hearing Officer and Board's Attorney. (3 pages)
- HO-7 Emails dated 10/7/2010, 10/8/2010, 10/11/2010, 10/12/2010 and 10/13/2010 among Parent, Hearing Officer and Board's Attorney. (3 pages)
- HO-8 Notice of Pre-hearing Conference scheduled for 10/19/2010, dated 10/13/2010.
- HO-9 Email from Joanne Moriarty to Hearing Officer dated 10/13/2010, confirming pre-hearing conference date.
- HO-10 Notice of Scheduled Hearing dates and memorandum summarizing pre-hearing conference, dated 10/19/2010. (3 pages)

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- HO-11 Board's Motion to Dismiss dated 11/17/2010, with attached record of PPT meeting held on 11/9/2010. (26 pages)
- HO-12 FedEx delivery order dated 11/18/2010.
- HO-13 Email dated 11/19/2010, from Parent to Hearing Officer and Board's Attorney, objecting to Board's Motion to Dismiss.
- HO-14 Email dated 11/19/2010, from Hearing Officer to Parent and Board's Attorney.
- HO-15 Email dated 11/20/2010, from Hearing Officer to Parent and Board's Attorney, response to Board's Motion to Dismiss. (2 pages)
- HO-16 Email dated 11/22/2010 from Board's Attorney to Hearing Officer and Parent.
- HO-17 Email dated 11/23/2010 from Parent to Board's Attorney, copy to Hearing Officer, concerning 11/9/2010 IEP. (3 pages)
- HO-18 Email dated 11/27/2010 from Parent to Board's Attorney, copy to Hearing Officer.
- HO-19 Emails dated 11/27/2010 and 11/29/2010 concerning mediation. (2 pages)
- HO-20 Emails dated 11/27/2010 and 11/29/2010 concerning mediation. (2 pages)
- HO-20a Cover letter and delivery form dated 11/29/2010, Board's exhibits and witness list (2 pages)
- HO-21 Emails dated 11/29/2010, 11/30/2010 and 12/1/2010 concerning mediation. (3 pages)
- HO-22 Notice of postponement of 12/7/2010 hearing session dated 12/1/2010.
- HO-23 Emails dated 12/1/2010 and 12/2/2010 concerning hearing procedures, among Hearing Officer, Parent and Board's Attorney.
- HO-24 Notice dated 12/2/2010 of mediation scheduled for 12/7/2010.
- HO-25 Email dated 12/4/2010 from Parent to Hearing Officer and Board's Attorney.
- HO-26 Email dated 12/4/2010 from Parent to Hearing Officer and Board's Attorney.
- HO-27 Email dated 12/7/2010 among Hearing Officer, Parent and Board's Attorney. (2 pages)
- HO-28 Email Notice of change of time for hearing scheduled for 12/14/2010.

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- HO-29 Email dated 12/10/2010 concerning Parent's witness list, from Board's Attorney to Hearing Officer and Parent.
- HO-30 Email dated 12/10/2010 and 12/11/2010 from Parent to Hearing Officer and Board's Attorney. (3 pages)
- HO-31 Email dated 12/12/2010 from Hearing Officer to the Parties.
- HO-32 Email dated 12/13/2010, Board's Attorney's response to HO-31, copy to Parent. (2 pages)
- HO-33 Email dated 12/14/2010 from Parent to Hearing Officer and Board's Attorney.
- HO-34 Email dated 12/14/2010 from Board's Attorney to Parent and Hearing Officer.
- HO-35 Email dated 12/14/2010 from Hearing Officer to Parties re scheduling, and response. (2 pages)
- HO-36 Email dated 12/14/2010 and 12/16/2010 concerning scheduling.
- HO-37 Emails dated 12/14/2010 and 13/16/2010 concerning scheduling and Parent's exhibits. (2 pages)
- HO-38 Notice of mediation dated 12/20/2010, scheduled for 1/11/2011. (2 pages)
- HO-39 Email dated 12/21/2010 concerning Parent's exhibits.
- HO-40 Email dated 12/21/2010 re-scheduling the hearing to 1/26/2011, 2/15/2011 and 2/22/2011.
- HO-41 Email dated 12/21/2011 concerning scheduling.
- HO-42 Email dated 12/22/2010 concerning scheduling.
- HO-43 Email dated 1/10/2011 confirming hearing scheduled for 1/26/2011.
- HO-44 Email dated 1/13/2011 from Parent to Hearing Officer, copy to Board's Attorney, confirming failure of mediation.
- HO-45 Notice dated 1/14/2011, of hearing sessions scheduled for 1/26/2011 and 2/15 and 2/22/2011.
- HO-46 Email dated 1/24/2011 from Parent to Hearing Officer and Board's Attorney.
- HO-47 Email dated 1/24/2011 from Hearing Officer to Parties concerning school closing because of bad weather.

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- HO-48 Email dated 1/25/2011 from Parent to Hearing Officer and Board's Attorney concerning PPT meeting on 1/25/2011.
- HO-49 Emails dated 1/24/2011, 1/25/2011 and 1/26/2011, Parent and Hearing Officer, copies to Board's Attorney. (2 pages)
- HO-50 Attendance list for Hearing on 1/26/2011.
- HO-51 Notice dated 1/27/2011 of postponement of hearing to 3/22/2011. (2 pages)
- HO-51a Email dated 1/27/2011 to Hearing Officer from Board's attorney, Parent.
- HO-52 Emails dated 1/26/2011 and 1/27/2011, regarding hearing: Board's Attorney and Parent.
- HO-53 Board's second Motion to Dismiss dated 3/14/2011. (19 pages)
- HO-54 Parent's objection to Board's Motion to Dismiss dated 3/15/2011. (2 pages)
- HO-55 Board's Attorney's response to Parent, dated 3/16/2011. (3 pages)
- HO-56 Email dated 3/17/2011 from Parent to Hearing Officer copy to Board's Attorney. (3 pages)
- HO-57 Notice of postponement of the hearing dated 3/17/2011, hearing to re-convene on 4/5/2011. (2 pages)
- HO-57a Cover letter dated 3/17/2011, Board's Attorney to Hearing Officer, copy to Parent
- HO-57b Emails dated 3/17/2011 re scheduling, Hearing Officer, Board's Attorney, copy to Parent
- HO-57c Cover letter and delivery form dated 3/18/2011, Board's Attorney to Hearing Officer copy to Parent (2 pages)
- HO-58 Notice of change of hearing date dated 3/22/2011, hearing to re-convene on 4/7/2011.
- HO-58a Emails dated 3/17/2011, 3/18/2011 and 3/21/2011 concerning scheduling. (4 pages)
- HO-59 Email dated 3/18/2011 to Hearing Officer from Board's Attorney, with 1/25/2011 IEP attached. (19 pages)
- HO-60 Cover letter and delivery form dated 3/21/2011 to Hearing Officer from Board Attorney, copy to Parent (2 pages)

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- HO-61 Emails dated 3/17/2011 and 3/21/2011 among the Parties and Hearing Officer concerning scheduling. (2 pages)
- HO-62 Cover letter and delivery form dated 3/22/2011 to Hearing Officer from Board Attorney, copy to Parent. (2 pages)
- HO-63 Delivery form dated 3/23/2011 to Hearing Officer from Board Attorney, copy to Parent.
- HO-64 Cover letter dated 4/6/2011 to Hearing Officer from Board Attorney, copy to Parent.
- HO-65 Emails dated 4/4/2011 and 4/6/2011 to Hearing Officer from Parent. (2 pages)
- HO-66 Email dated 4/6/2011 with attachment to Hearing Officer from Parent, copy to Board's Attorney. (3 pages)
- HO-67 Attendance list from hearing dated 4/7/2011.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).

Mary H.B. Gelfman
Hearing Officer Signature

MARY H.B. GELFMAN
Hearing Officer Name in Print