

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Bristol Board of Education

Appearing on behalf of the Parent: Attorney Jennifer Laviano
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Linda Yoder
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Bristol Board of Education (“Board”) deny the Student a free and appropriate public education (“FAPE”) for the 2012-2013 and 2013-2014 school years by committing the following substantive and procedural violations:
 - a. failing to have programs and services that were sufficiently intensive, individualized, or designed to allow the Student to make meaningful educational progress, academically, socially or behaviorally;
 - b. by delaying the convening of the initial planning and placement team (“PPT”) meeting for a month and one-half, despite Parent request to convene earlier;
 - c. by not providing a proper extended school year (“ESY”) program for the 2012-2013 summer period;
 - d. by not providing proper notice of the 5/23/2013 PPT;
 - e. by repeatedly conducting “observations” of the Student at the Speech Academy, without giving parental notice or notice to the Academy and allowing them to prepare;
 - f. by failing to conduct the physical therapy evaluation for over four months and not having it completed for the fall start of school;
 - g. failing to maintain a continuum of appropriate alternative placements;
 - h. failing to offer an individualized ESY program for the 2012-2013 summer period;
 - i. failing to adequately consider information offered by the Parents at the PPT;
 - j. failing to consider the alternative technology (“AT”) needs of the Student;
 - k. failure to have an appropriate individualized education program (“IEP”) in place for the start of the school year as required by law.
2. Are the Parents entitled to reimbursement for their unilateral placement of the Student at the Speech Academy?
3. Are the Parents entitled to reimbursement for the costs of the 10/23/2013 follow-up evaluation conducted by Dr. Smaller?

PROCEDURAL HISTORY:

The Parents filed the complaint on January 8, 2014. A prehearing conference was held on January 23, 2014, in which the issues listed above were identified for hearing. Original due process hearing dates were set for March 14 and March 17, 2014. On March 6, 2014 the Parties requested an extension of the resolution period for settlement purposes and requested that the hearing dates be cancelled and rescheduled. The request was granted and the hearing rescheduled for April 4, 2014. On April 3, 2014, Counsel for the Parents withdrew the complaint, via email, stating that the Parties had reached agreement and were in the process of memorializing that agreement, and further, that the Parents were withdrawing the complaint, without prejudice.

FINAL DECISION AND ORDER:

On April 3, 2014, the Parents withdrew the complaint, without prejudice, citing agreement with the Board. With no further issues to be resolved, this matter is DISMISSED without prejudice.

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).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print