

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Somers Board of Education

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

Appearing on behalf of the Board: Attorney Michael P. McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2015-2016 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the program at Deveraux-Glenholme School in Washington, CT, including an extended school year program (ESY), provide the Student with FAPE in the LRE?
3. Did the Board commit a procedural violation by conditioning the receipt of educational services on the Student attending the district's school?
4. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year and requested that the Student remain at Deveraux-Glenholme School for the 2015-2016 school year. The Board denied the Parents' request; the Parents filed for due process.

On June 26, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on June 26, 2015 and a pre-hearing conference was held on July 15, 2015. A hearing date of December 1, 2015 was chosen by the parties. In an electronic transmission, the Parents' attorney requested cancellation of the December 1, 2015 hearing date; the parties had resolved the matter, but needed additional time to finalize an agreement. In an electronic transmission dated January 15, 2016, the Parents' attorney withdrew the matter. The Board was in agreement. The date for mailing the Final Decision and Order was extended in order to accommodate mediation and the hearing date. The mailing date for the Final Decision and Order is January 20, 2016.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED.

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

Justino Rosado
Hearing Officer Name in Print