

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing on behalf of the Student: Attorney Nieka Thompson  
Connecticut Legal Services  
85 Central Avenue  
Waterbury, CT 06702

Appearing on behalf of the Board: Attorney Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Does the program offered by the Board for the 2016- 2017 school year provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the Student require a therapeutic clinical day program for the 2016-2017 school year in order to receive FAPE in the LRE?
3. Does the Student require an individualized reading program, with direct instruction, in order to receive FAPE?
4. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement 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 were not in agreement with the program offered by the Board for the 2016-2017 school year. The Parents requested a therapeutic clinical day program. The Board refused the Parents' request. On August 16, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on August 16, 2016 and a pre-hearing conference was held on August 23, 2016. The parties agreed to go to a mediation session. The mediation date was October 13, 2016. In an electronic transmission, dated October 17, 2016, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and asked for a withdrawal without prejudice. The Board did not object to this request. The date for the mailing of the Final Decision and Order was extended to accommodate the mediation. The date for mailing the Final Decision and Order is October 28, 2016.

**FINAL DECISION AND ORDER:**

**THE 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

Justino Rosado  
Hearing Officer Name in Print