

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wilton Board of Education

Appearing on behalf of the Parent: Meredith Braxton, Esq.
280 Railroad Avenue, Suite 205
Greenwich, CT 06830

Appearing on behalf of the Board: Andreana Bellach, Esq.
Shipman and Goodwin, LLP
600 Atlantic Avenue
Stamford, CT

Appearing before: Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Procedural Issues:

1. Did the Board violate the Parents' procedural rights by failing to obtain informed consent for the triennial evaluations that it performed?
2. Did the Board violate the Parents' procedural rights by failing to assess Student in all areas of suspected disability in the triennial evaluation?
3. Did the Board violate the Parents' procedural rights by failing to comply with testing protocols and norms when testing, thus invalidating the results?
4. Did the Board violate the Parents' procedural rights by failing to consider all potential categories of eligibility that could apply to Student at the January 13, 2016 PPT?
5. Did the Board violate the Parents' procedural rights by failing to give prior written notice of Student's exit from special education by deeming the exit to be effective on the same day as the PPT?
6. Did the Board violate the Parents' procedural rights by failing to give adequate prior written notice of decisions made at each and every PPT meeting from January 13, 2016 to the date of this complaint?
7. Did the Board violate the Parents' procedural rights by failing to reconvene the triennial to re-consider eligibility in response to the IEEs?
8. Did the Board violate the Parents' procedural rights by writing the goals and objectives of the 2016-17 IEP without parental participation?
9. Did the Board violate the Parents' procedural rights by failing to consider whether he was entitled to compensatory education resulting from a denial of F APE?
10. Did the Board violate the Parents' procedural rights by failing to consider a continuum of placements as requested during the PPT on June 15, 2017?

Substantive Issues:

11. Did the Board fail to properly evaluate Student for his triennial review?
12. Did the Board improperly exit Student from special education on January 13, 2016?
13. Was the 2016-2017 IEP inappropriate because it was not calculated to confer educational benefit appropriate to Student's circumstances?
14. Is the 2017-18 IEP inappropriate because it was not calculated to confer educational benefit appropriate to Student's circumstances?
15. Did the classroom teacher violate the IDEA requirement that positive behavioral supports and interventions be used with a child with a disability by forcing Student to perform pushups and having a peer arrest him to punish him for his disorganization, thus highlighting his disabilities and humiliating him in front of his peers?

Substantive 504 Issues:

16. Did the Board violate Section 504 of the Rehabilitation Act's child find requirement by failing to identify him as a disabled child who was eligible for a 504 plan?
17. Did the Board violate Section 504 of the Rehabilitation Act by failing to convene a 504 meeting and offer Student a 504 plan that addressed his unique needs?
18. Did the Board violate Section 504 of the Rehabilitation Act by failing to provide Student with a Free Appropriate Public Education that met his needs as adequately as the needs of his non-disabled peers were met?
19. Did the Board violate Section 504 of the Rehabilitation Act by discriminating against Student when the classroom teacher forced him to do pushups in front of the class to punish him for his disabilities, thus highlighting his disabilities to his peers and humiliating him publicly?
20. Did the Board violate Section 504 of the Rehabilitation Act by discriminating against Student when the classroom teacher had a peer arrest him for issues caused by his disabilities, thus highlighting his disabilities to his peers and humiliating him publicly?
21. Should the Board be required to financially support an out-of-district placement for Student with the supports and services in as recommended by the outside evaluators?
22. Should the Board be required to reimburse Parents for private educational services for Student?
23. Do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:

The Parents filed the Due Process Complaint and Request for Hearing on January 9, 2018. A hearing officer was assigned on January 10, 2018 but issued a recusal on January 30, 2018. The case was reassigned and this Hearing Officer was appointed on February 1, 2018 and conducted a Prehearing Conference on February 9, 2018. The hearing was scheduled for March 19, 2018. On March 11, 2018, the Parents' attorney reported to the

March 14, 2018

Final Decision and Order 18-0271

Hearing Officer that the parties had executed a settlement agreement that the Parents were withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with prejudice.