

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Southington Board of Education

Appearing on Behalf of the Parents: David C. Shaw, Esq.  
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Appearing on Behalf of the Board: Nicole A. Bernabo, Esq.  
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Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL ORDER AND DECISION**

**ISSUES:**

1. Is the program offered to the Student for the summer of 2004 appropriate?
2. Is the program offered by the Board for the 2004-2005 school year appropriate? If not;
3. Should the program for the 2004-2005 require:
  - a. Adequate staffing training
  - b. Integrated related therapies
  - c. Opportunity for the Student to interact with peers
  - d. Support staff for the Student
  - e. Extended day program
  - f. Direct involvement by regular ed teachers
  - g. Involvement of a mutually accepted consultant

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 15 year-old young man who has been identified with Multiple-Disabilities and is entitled to receive a free and appropriate public education as defined in 20 U.S.C. §§1401 et seq. The Parents at an I.E.P. meeting challenged the appropriateness of the Student's current Extended School Year program and the program offered to the Student for the 2004-2005 school year and requested a Due Process Hearing. On or about August 3, 2004 an Impartial Hearing officer was appointed and a telephonic pre-hearing conference was conducted on or about August 6, 2004.

At the pre-hearing conference, hearing dates of August 13, 17, September 3, 7, 8 and 16, 2004 were chosen by the parties. At later dates, additional hearing dates of September 30, October 5, 6, 12 and November 2, 2004 were chosen by the parties. At the request of the parties, the date for the Final Order and Decision was extended to December 23, 2004 in order to accommodate the additional hearing dates and allow time for Post hearing Briefs.

At the first day of hearing the Board requested that the Hearing Officer do an observation of the Student and his program and order a PPT. The Parents objected to these Motions. The Parents requested that the observation not be allowed unless an expert go with the hearing officer and a court reporter also attend in order to record any conversations between the hearing officer and the Board's staff. The Hearing Officer granted the Board's Motion for a PPT but denied the Board's Motion that the Hearing Officer perform an observation of the Student's program.

At the conclusion of the evidentiary portion of the hearing, a post-hearing briefing schedule was established and briefs were to be filed by November 23, 2004. On or about November 17, 2004, a letter was received from the Parents' attorney requesting an extension to the briefing schedule because of a pending mediation session in *Student v. The Board*, Federal Court (No. 3.02CV252 (SRU)). The issues raised in this hearing would also be resolved in the Federal Mediation session. This extension was granted and the Final Order and Decision date was also extended to January 6, 2005. As a result of the mediation additional letters were received by the Hearing Officer from the parties requesting various extensions of the briefing schedule and the Final Order and Decision date because a settlement had been submitted in federal court and it was awaiting approval of the Court. Approval of the settlement agreement was obtained from the Court, and the due process hearing was withdrawn with prejudice. The Final Order and Decision date is May 5, 2005.

**FINAL ORDER AND DECISION:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**