

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Ridgefield Board of Education

Appearing on behalf of the Student: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 27 South
Sherman, CT 06784

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to provide student with a Free Appropriate Public Education ("FAPE") in the Least Restrictive Environment ("LRE") for 2011-2012 academic year?
2. Did the District fail to provide student with a FAPE in the LRE for the summer of 2012?
3. Did the District fail to provide student with a FAPE in the LRE for 2012-2013 academic year?
4. Did the District fail to provide student with a FAPE in the LRE for the summer of 2013?
5. Did the District fail to provide student with a FAPE in the LRE for 2013-2014 academic year?
6. Did the District violate Student's procedural safeguards under the Individuals with Disabilities Education Act by:
 - a. not conducting a Functional Behavioral Assessment in a timely manner;
 - b. not proposing a sufficient Behavioral Intervention Plan;
 - c. scheduling a Planning and Placement Team ("PPT") meeting with only 2 days notice and without parental consent;
 - d. presenting a report at a PPT meeting without making a copy available to parents in advance of the PPT meeting;
 - e. failing to maintain and explore a continuum of appropriate alternative placements;
 - f. not allowing parents to fully and meaningfully participate in a PPT meeting held on June 21, 2013;
 - g. failing to require the related service of transportation for 2013 summer Extended School Year;

- h. failing to convene an emergency PPT until a month after parents requested an emergency meeting;
- i. failing to consider Assistive Technology at the revision of each Individualized Education Plan;
- k. changing Student's placement within Cooperative Educational Services without agreement at a PPT meeting and without parental input;
- l. inappropriate seclusion in violation of Connecticut restraint and seclusion requirements;
- m. failing to provide appropriate transportation within a one hour drive of home; and/or
- n. failing to provide student with appropriate and positive behavioral supports.

PROCEDURAL HISTORY AND SUMMARY:

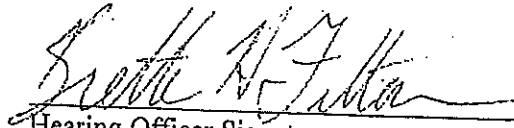
On January 8, 2014, the Ridgefield Board of Education received a Request for a Special Education Due Process Hearing. The undersigned Hearing Officer was appointed on January 9, 2014. On February 5, 2014, a prehearing conference was held and hearing dates of March, 26, 2014, April 2, 2014 and May 7, 2014 were set. The original deadline for the mailing of the Final Decision and Order was established as March 24, 2014. During the prehearing conference, Counsel for the Parents requested an extension of the deadline for the mailing of the Final Decision and Order in order to accommodate additional hearing dates. The extension request was granted and April 23, 2014 was established as the new deadline for the mailing of the Final Decision and Order. On March 3, 2014, Attorney for Board indicated that there was a conflict with a previously scheduled April 2, 2014 hearing date and requested that the date of May 5, 2014 be substituted. On March 13, 2014, Attorney for the Student requested that the initial hearing date of March 26, 2014 be postponed to permit the parties to engage in mediation on that date. After consideration of all factors, both requests were granted and new hearing dates of May 5, 2014 and May 7, 2014 were set. On March 13, 2014, Attorney for the Student also requested an extension of the mailing deadline to accommodate the new hearing date schedule and this request was granted. A new deadline for the mailing of the Final Decision and Order was set for May 23, 2014. On April 10, 2014, the Attorney for the Student requested a postponement of the May 5, 2014 and May 14, 2014 hearing dates for personal reasons pertaining to Student's family. There was no objection to this request from the Board. An extension of the mailing deadline was also requested. Both requests were granted. The deadline for mailing the Final Decision and Order was extended to June 22, 2014 and a new hearing date of June 20, 2014 was set. On June 12, 2014, Counsel for the Parents withdrew the hearing request.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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

Brette H. Fitton
Hearing Officer Name in Print