

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on behalf of the Parents: Attorney Courtney Spencer
Law Offices of Courtney Spencer, LLC
70 Hebron Avenue
Glastonbury, Ct 06033

Appearing on behalf of the Board: Attorney Susan Freedman
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, Connecticut 06103-1919

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board from April 23, 2014 to the end of the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Is the program provided by the Board for the 2014-2015 school year appropriate and does it provide the Student with FAPE in the LRE?
3. Is the program proposed by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Does the Student require placement at Gengras Center for the summer of 2015 in order to receive FAPE in the LRE?
5. Does the Student require placement at Gengras Center for 2015-2016 school year in order to receive FAPE in the LRE?
6. Did the Board commit procedural violations by denying the Parents the ability to be meaningful participants at the PPT and predetermining the Student's educational program?
7. Should the Board reimburse the Parents for out-of-pocket private services (occupational therapy, ABA therapy, speech therapy, music therapy and community aide for social and community skill instruction)?
8. 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 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 rejected the program offered by the Board for the 2015-2016 school year. The Parents requested placement at Gengras Center for the 2015-2016 school year. The Board refused the Parents' request.

On April 23, 2015, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on June 17, 2015. An

June 30, 2015

Final Decision and Order 15-0468

impartial hearing officer was appointed on April 23, 2015 and a pre-hearing conference was held on April 29, 2015. Hearing dates of June 29 and July 7, 2015 were chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties requested cancellation of the June 29, 2015 hearing date as the parties were waiting for the agreement to be finalized. In an electronic transmission, the Parents' attorney advised that due to a medical issue the agreement had not been executed but requested a withdrawal without prejudice.

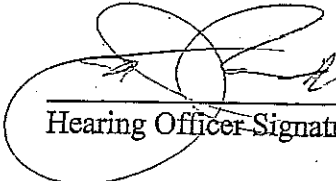
The date for mailing the Final Decision and Order is July 7, 2015.

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