

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Vernon Board of Education

Appearing on behalf of the Student: Attorney Bernadette Michaud
The Law Office of Bernadette Antaki Michaud, LLC
2389 Main Street
Glastonbury, CT 06033

Appearing on behalf of the Board: Attorney Craig Meuser
Chinni & Meuser LLC
One Darling Drive
Avon, CT 06001

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District commit the following procedural violations of the Individuals with Disabilities Education Act (“IDEA”):
 - a. Failure to complete a timely and adequate triennial reevaluation;
 - b. Failure to conduct adequate and timely transition assessments and planning;
 - c. Failure to consider the Parents’ input into the educational placement of Student; and/or
 - d. Developing Individualized Education Programs that contained defective and erroneous provisions between July 5, 2015 and July 5, 2017 ?
2. If the District committed any of the procedural violations of the IDEA alleged in Issue 1, did such violation or violations operate to deny Student a free appropriate public education (“FAPE”)?
3. Was the individualized education program (“IEP”) proposed by the Board for the extended school year (“ESY”) in the summer of 2017 appropriate?
4. If the IEP proposed by the district for ESY in 2017 was not appropriate, was the program provided by the The Learning Clinic appropriate and are Parents entitled to reimbursement for tuition and related transportation expenses for Student’s enrollment during the summer of 2017?
5. Is the IEP proposed by the District for the 2017-2018 school year appropriate?
6. If the District’s 2017-2018 IEP is not appropriate, does the Learning Clinic offer an appropriate program?
7. Are Parents entitled to an independent educational evaluation (“IEE”), specifically a neuropsychological evaluation, at public expense?

PROCEDURAL HISTORY AND SUMMARY: On July 5, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on July 13, 2017. During the prehearing conference held on July 18, 2017, September 8, 2017 and September 13, 2017 were set as hearing dates and the deadline for mailing the final decision and order was established as September 18, 2017. On August 29, 2017, Parents moved to bifurcate the hearing and requested that the September 8, 2017 hearing date be dedicated to issue of what constituted Student's placement for the purposes of stay-put and that the September 13, 2017 date be assigned for hearing the merits of the case. The request for bifurcation was denied on August 30, 2017. On August 28, 2017, Parents filed an Addendum to their hearing request. The Board objected to this amendment. On August 30, 2017, the Hearing Officer denied Parent's request to amend the complaint by adding an addendum. On September 8, 2017, the hearing was opened. At the outset of the hearing the Parties made an oral request for an extension of the mailing deadline was made by Parent and there was no objection from the Board. This request was granted and October 18, 2017 was established as the new deadline for mailing the final decision and order. Counsel presented argument on the issue of what constituted Student's program for purposes of a stay put order. A stay-put order was issued requiring that the Board implement the last agreed upon placement which was set forth in Student's May 26, 2016 IEP. During a subsequent break in the proceedings, the parties met and resolved the case. The parties were then given the opportunity to reduce the agreement to writing by the next hearing date. On September 13, 2017, Attorney for the Parents withdrew the Parents' hearing request with prejudice on the record.

FINAL DECISION AND ORDER: In light of the above facts, the case is dismissed.