

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Student: Attorney Elizabeth Moyse
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses and Devlin, P.C.
75 Broad Street
Milford, CT 064

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District deny Student a free appropriate public education (“FAPE”) for the extended school year (“ESY”) during the summer of 2017 by:
 - a. Failing to provide Student with an individualized program and services sufficient to enable him to make meaningful educational progress according to his academic, executive functioning and socio-emotional abilities; and/or
 - b. Failing to provide transportation to Student during his ESY programming?

2. Did the District deny Student a FAPE for the 2017-2018 school year by failing to:
 - a. Provide Student with an Individualized Education Program (“IEP”) with services sufficient to enable him to make meaningful educational progress according to his academic, executive functioning and socio-emotional abilities;
 - b. Provide Student with a smaller class environment in all of Student’s academic areas (including special education services);
 - c. Provide Student with individualized instruction regarding literacy and/or reading instruction by a reading specialist;
 - d. Provide Student with appropriate grouping of students in his special education services;
 - e. Provide goals and objectives drafted by professionals with the proper expertise given Student’s needs, such as a reading specialist;
 - f. Provide appropriate assistive technology (“AT”) support; and/or
 - g. To provide a continuum of appropriate alternative placements to enable Student to learn in the least restrictive environment (“LRE”)?

3. Did the District violate Student's procedural safeguards by failing to:
 - a. Invite any Windward and/or King School staff members to Student's planning and placement team ("PPT") meetings;
 - b. Invite Dr. Heizman to the January 2018 PPT meeting; and/or
 - c. Have timely goals and objectives for Student's January 2018 IEP drafted by professionals with the proper expertise given Student's needs, such as a reading specialist?
4. If the District violated Student's procedural safeguards, did any such violations operate to deny Student a FAPE?
5. If the District's IEP for the 2017-2018 school year was not appropriate, does the King School provide an appropriate program for Student and should the District place Student at the King School and provide transportation as a related service?
6. Did the District violate Student's rights under Section 504 of the Rehabilitation Act and/or Title II of the Americans with Disabilities Act?

PROCEDURAL HISTORY AND SUMMARY: On January 30, 2018, the Stamford Board of Education received a request for a special education due process hearing filed by the Parents. The undersigned hearing officer was appointed by the Connecticut State Department of Education on January 31, 2018. A prehearing conference was held on February 13, 2018. During this conference, the deadline for mailing the final decision and order was established as April 13, 2018 and April 3, 2018 was set as the initial hearing date. On March 26, 2018, the Parents withdrew their request for a special education due process hearing with prejudice.

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