

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Monroe Board of Education

Appearing on Behalf of the Parents: Jennifer D. Laviano, Esq.
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the Program offered by the Board for the 2009-2010 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the Program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE? If not;
3. Does the Student need an extended day program in order to obtain FAPE in the LRE with speech and language and behavioral services provided by Connec-to-Talk, LLC?
4. Should the Board pay for an independent evaluation for speech and language by a speech and language therapist from Connec-to-Talk, LLC?
5. Should the Board pay for an independent functional behavioral analysis by a certified BCBA from Connec-to-Talk, LLC?
6. Is the Student entitled to Compensatory Education for the denial of FAPE for the 2009-2010 school year?
7. Should the Board pay for the educational consultant services of Marilyn Chalmers?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is 5 years old, has been as identified as Intellectually Disabled and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent rejected the program offered by the Board for the 2010-2011 school year. The Parent requested a specialized program, evaluations and an educational consultant. The Board refused the Parent's request.

On or about November 24, 2010, the Board received notice of the parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on November 23, 2010 and a pre-hearing conference was held on December 9, 2010. A hearing date of February 3, 2011 was chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter and requested that the matter be withdrawn without prejudice as the parties had not formalized the agreement. The withdrawal without prejudice was granted. The date for mailing the Final Order and Decision is February 5, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.