

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on behalf of the Parent: Attorney Jennifer D. Laviano
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Julie Fay
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2011-2012 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 2012-2013 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Should the Student be placed at Intensive Education Academy in West Hartford, CT, in order to receive FAPE in the LRE?
5. Did the Board commit a procedural violation by not conducting a functional behavioral assessment?
6. Should the Board reimburse the Parents for the cost incurred for private social skills group therapy and music therapy?
7. 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 2013-2014 school year. The Parents requested that the Student be placed at Intensive Education Academy in West Hartford, CT. The Board refused the Parents' request.

On October 11, 2013, 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 was held on January 7, 2014.

An impartial hearing officer was appointed on October 17, 2013 and a pre-hearing conference was held on October 22, 2013. A hearing date of December 30, 2013 was chosen by the parties. The parties requested cancelation of the hearing date in order to accommodate the mediation. The request was granted.

On February 18, 2014, in an electronic transmission, the Parents' attorney advised the hearing officer that the parties were of the opinion that conducting evaluations of the Student might assist the parties in resolving the matter. The Parents' attorney requested that the matter be withdrawn without prejudice in order to allow the parties to conduct the evaluations. The withdrawal was granted.

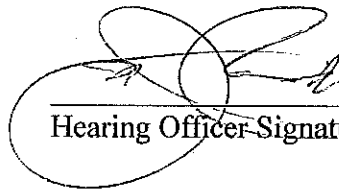
The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is February 24, 2014.

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