

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student

Appearing on Behalf of the Parent: Attorney David Shaw
Law Offices of David Shaw
34 Jerome Street, Ste. 210
Bloomfield CT 06002

Appearing on Behalf of the Board: Attorney Christine L. Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Were the Board's evaluations of the Student appropriate? If not;
2. Should the Board pay for an independent evaluation of the Student by Dr. Maynard?
3. 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?
4. Is the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE?
5. Does the Student require an out of district placement in order to receive FAPE in the LRE?
6. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 and 2011-2012 school years?
7. Is the use of time outs in the classroom, without notifying the Parent, appropriate?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive a free and appropriate public education (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 Parent did not approve of the evaluations performed by the Board and requested an independent psycho-educational evaluation. The Board refused the Parent's request and filed for due process.

An impartial hearing officer was appointed on December 23, 2011. On or about January 13, 2012, the Parent filed for due process alleging that the program offered by the Board for the 2011-2012 school year was not appropriate. The parent's attorney filed a Motion to Consolidate the two matters. The Board did not object to the Motion to Consolidate. On January 27, 2012, the matters were consolidated. The consolidation altered the timeline of the request for due process.

A pre-hearing conference was scheduled for January 30, 2012. The parties agreed to go to mediation in place of a resolution meeting. Hearing dates of May 8, 18 21, and June 1, 2012 were chosen by the parties.

On or about May 4, 2012, the parties requested that the May 8, 2012 hearing date be cancelled so the parties could continue mediating the matter. The request was granted. The matter was not resolved in mediation.

At the May 18, 2012 hearing date, the parties were able to resolve the matter and requested a withdrawal of all issues. The matter was withdrawn with prejudice on the record.

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 May 28, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.