

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

Appearing on Behalf of the Parent:

Attorney Courtney F. Spencer
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Glastonbury, CT 06033

Appearing on Behalf of the Board:

Attorney Susan Freedman
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before:

Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)?
2. 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? If not;
3. Does a residential program at Perkins School for the Blind, at the Board's expense, provide the Student with FAPE in the LRE?
4. Did the Board commit procedural violations that denied the Student FAPE by (1) failing to evaluate the Student in all suspect areas of disability, (2) failing to provide a proper vocational program, (3) failure to perform an assistive technology evaluation and (4) failure to perform a functional behavioral assessment and create a behavior plan?
5. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 school year?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities 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. At a PPT meeting, the Parent rejected the program offered by the Board for the 2011-2012 school year. The Parent requested a residential program at Perkins School for the Blind. The Board refused the Parent's request. On or about October 19, 2011, 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 October 20, 2011 and a prehearing conference was held on December 1, 2011. A hearing date of January 30, 2012 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 in mediation and that the parties needed additional time to formalize the agreement. In a letter from the Parent's attorney the hearing officer was notified that the agreement had been ratified and that the matter could be withdrawn with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is February 1, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.