

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Britain Board of Education

Appearing on behalf of the Parent: Attorney Courtney F. Spencer  
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Middletown, CT 06457

Appearing on behalf of the Board: Attorney Michael P. McKeon  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

Parent's Issues:

1. Is the program provided by the Board for the 2012-2013 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. 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?
3. Does the Student require a 1:1 paraprofessional for the entire school day, an independent BCBA to oversee her program for 5 hours per week, occupational therapy services for 2 hours per week, physical therapy services for 2 hours per week and speech services for one hour per week in order to receive FAPE in the LRE?
4. Does the Student require an iPad for educational and communication purposes in order to receive FAPE in the LRE?
5. Should the Board perform an Assistive Technology Evaluation, an Independent Augmentative and Communication Evaluation, an Oral Motor Evaluation and an Independent Psychological Evaluation of the Student?
6. Does the Student require an Independent Educational Consultant in order to receive FAPE in the LRE?
7. Is the Student entitled to Compensatory Education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in 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 requested a 1:1 paraprofessional for the entire school day, an independent BCBA to oversee the program for 5 hours per week, occupational therapy services for 2 hours per week, physical therapy services for 2 hours per week and speech services for one hour per week. The Board refused the Parent's request.

On June 6, 2013 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. The mediation session was held on July 23, 2013.

An impartial hearing officer was appointed on June 7, 2013, a pre-hearing conference was held on June 10, 2013. Hearing dates of July 23 and 29, 2013 were chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties had reached an agreement but needed additional time to finalize the agreement. At the July 29, 2013 hearing date, the Parent's attorney withdrew the matter with prejudice.

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 August 20, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITH PREJUDICE.**