

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Glastonbury Board of Education

Appearing on behalf of the Parent Mother: Attorney Keith Yagaloff
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South Windsor, CT 06074

Appearing on behalf of the Parent Father: Pro Se

Appearing on behalf of the Board: Attorney Leander Dolphin
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Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE) to the Student in the 2014-2015 school year?
2. Did the Board offer the Student FAPE in the LRE for the 2015-2016 school year?
3. Did the Board violate any of the Mother's procedural rights in the relevant time period?
4. Is the Student entitled to Compensatory Education for the denial of FAPE?

JURISDICTION:

This matter was heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administration Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

SUMMARY:

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 Parent Mother did not agree with the program provided by the Board for the 2015-2016 school year and requested an out-of-district placement. The Board denied the Parent's request.

PROCEDURAL HISTORY:

On September 23, 2015, the Board received notice of the Parent's (Mother) request for due process. The parties agreed to go to a resolution session.

An impartial hearing officer (not the undersigned hearing officer) was appointed on September 25, 2015 (Hearing Officer's Exhibit¹ No. 2), a pre-hearing conference was held on September 4, 2015. Hearing dates of November 23, 2015, January 14 and 25, February 4, March 8, 11 and 14, April 4, 13, 25 and 26, and May 10, 16 and 24, 2016 were chosen by the parties. The January 14, March 8, 11 and 14 and May 16, 2016 hearing dates were cancelled. The January 14, 2016 hearing date was cancelled due to the birth of the Father's child. The March 8, 11 and 14, 2016 hearing dates were cancelled due to a personal issue of the hearing officer. There was no objection to the cancelled hearing dates. The Board presented Exhibits² No. 1 thru 65 which were full exhibits of the hearing. Parent Mother presented Exhibits 1 through 9. Parent Mother's Exhibits³ No. 2 and 3 were not received as exhibits. P-2 was beyond the scope of the hearing and P-3 is a duplicate of Board Exhibit No. 24. The Pro Se Father did not present any exhibits for the hearing.

An unsuccessful resolution session was held on October 15, 2015. (H.O.-21). On October 26, 2015, the Father filed a Motion to Intervene. (H.O.-11). On October 28, 2015, the hearing officer granted the Motion to Intervene. (H.O.-13). The Father filed a Motion challenging the Mother's right to file for due process without his authorization as the Superior Court had granted the Parents joint legal custody and joint educational decision making. The Hearing Officer denied the Father's objection. (H.O.-21).

On November 12, 2015, the Hearing Officer recused herself from this hearing. (H.O.-14). On November 13, 2015, this Hearing Officer was appointed to this matter. (H.O.-17). On November 17, 2015, the Father was advised that ex parte communications with the Hearing Officer were not allowed and that all parties must be included in the distribution of any and all correspondence that was addressed to the Hearing Officer. (H.O.-27, 28, 29, 30, 54, 55).

On December 17, 2015, the Mother's attorney filed a Motion to Enforce Stay-Put. The Board and the Father filed timely objections. On January 10, 2016, the hearing officer denied the Mother's motion. (H.O.-38).

The Mother requested to have the Student testify at the hearing. The Board and the Father objected to the Student being called as a witness. The Mother's motion was denied in that the Student would not be a witness for the Mother, but could be a rebuttal witness if necessary.

At the conclusion of the evidentiary portion of the hearing, a briefing schedule was discussed and the parties agreed to file simultaneous post-trial briefs on July 18, 2016. The briefs were timely filed by both parties. The parties were instructed that any factual references and arguments

¹ Hereafter Hearing Officer's Exhibits will be noted as "H.O." followed by the number of the exhibit.

² Hereafter Board's Exhibits will be noted as "B" followed by the number of the exhibit.

³ Hereafter Parent Mother's Exhibits will be noted as "P" followed by the number of the exhibit.

presented in the briefs had to have a factual basis of prior evidence presented during the course of the hearing.

This Final Decision and Order sets forth the Hearing Officer's summary, findings of fact and conclusions of law. The findings of facts and conclusions of law set forth herein, which reference certain exhibits and witness testimony, are not meant to exclude other supported evidence in the record. All evidence presented was considered in deciding this matter. To the extent that the summary, procedural history and findings of fact actually represent conclusions of law, they should be so considered and vice versa. *SAS Institute Inc. v. S, & H. Computer Systems, Inc.*, 605 F.Supp. 816 (M.D.Tenn. 1985) and *Bonnie Ann F.v. Callallen Independent School Board*, 835 F.Supp. 340 (S.D.Tex. 1993).

The date for the mailing of the Final Decision and Order was extended to accommodate the hearing date and the briefing schedule. The date for mailing the Final Decision and Order is September 7, 2016.

FINDINGS OF FACT:

1. The Student is diagnosed with Autism and is eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act ("IDEA") 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. (Board's Exhibit No. 23).
2. The Student's Parents are divorced and have joint legal custody of the Student; both have the right to make decisions concerning the Student's education. (Testimony of Mother, H.O.- 13)
3. The Student was originally diagnosed as Learning Disabled. In the third grade his diagnosis was changed to Autism. The Mother was satisfied with the services the Student was receiving. (Testimony of Administrator of Pupil Services (APP), Testimony of Mother)
4. On March 28, 2013, a PPT was held to plan the Student's triennial evaluation. The Student was then in the fifth grade. The Parents attended the PPT and the Mother was assisted by her attorney. The Mother was concerned that the Student was struggling academically and having problems doing the work. The Board agreed to evaluations and the Father questioned the need for an independent evaluation. The PPT determined that the triennial evaluation would include cognitive, attention, academic, speech and language, social skills and fine motor/sensory evaluations. The Parents gave permission for the Board to conduct the evaluations. (Testimony of Mother, B-40)
5. The Mother administered the Woodcock-Johnson test to the Student in her home. The Mother is a teacher in another school district. She does not remember the form of the test administered and admitted that the environment was not the same as a school setting. The test was provided by a family relative and that neither the testing nor results were provided to the school. (Testimony of Mother)

6. In December 2013, the Father requested an Independent Psychological Reevaluation of the Student as had been suggested at the March 28, 2013 PPT. The reevaluation was to be conducted by Dr. William Nelson as part of the Student's triennial evaluation. Dr. Nelson had, in prior years, conducted an evaluation of the Student. The Board agreed with the Father's request. The Father, on December 6, 2013, signed an agreement to amend the March 28, 2013 IEP without conducting a PPT. (B-39, B-40)
7. The reevaluation by Dr. Nelson did not take place. The doctor withdrew as the evaluator after receiving a call from the Mother, which he perceived as a threat to report him to the licensing board. (Testimony of APP)
8. The school psychologist performed the Psycho-educational Evaluation as part of the Student's triennial evaluation. The evaluation was submitted on January 10, 2014. The evaluator recommended that:
 - a. The Student would benefit from an increased structured social experience in the community.
 - b. Extended time in class to respond to questions, in writing, as well as on all assessments due to weak processing speed.
 - c. Additional support from the school psychologist to address weak social skills.
 - d. Parents to begin working on increasing his independence with adaptive skills.
 - e. Strategies to decrease autism mannerisms.(B-32)
9. On January 22, 2014, the PPT was reconvened to review evaluations that had been performed. The Parents consented to a sensory assessment, physical therapy evaluation and a functional behavior assessment (FBA). (B-36, B-37)
10. The Student's Clinical Evaluation of Language Fundamentals-5 (CELF-5) showed growth in four of five areas: core language, receptive language, expressive language and language memory. The language content which probes vocabulary and word knowledge had decreased. The evaluator attributed this decrease to the increase in abstract language skills which are typical for this age group. (B-34)
11. The Student also showed difficulty in following tasks and the processing of paragraph length information as well as pragmatic language skills. A checklist is filled out by parents and teachers to gain information about a student's verbal and nonverbal pragmatic skills. An observation rating scale had been sent to the Mother but had not been returned.(B-34, Testimony of APP)
12. On March 19, 2014, a FBA of the Student was completed by Capital Regional Education Council (CREC). The FBA made the following recommendations:
 - a. Small group settings.
 - b. 1-1 pre-teaching of topics and vocabulary.
 - c. Observations to either support or refute the premise of off-task behaviors as an issue that requires intervention.

- d. A clear spectrum of objectives in the IEP to address social behaviors and adaptive social communications.
 - e. Paraprofessionals available to assist the Student.
 - f. Measures of the Student's ability to maintain focused and attentive in small and large group instructional formats as a component of receptive language.
 - g. Embedded academic objectives in the whole group setting that measures the Student's capacity to follow instruction and adaptively respond to questions/prompts over an increased period of time. (B-31)
13. On March 24, 2014, a PPT was convened to conduct the Student's annual review and review the reports of the evaluations that had been conducted. Results indicate that besides delays with gross and fine motor skills, the Student is able to function in the school environment and does not qualify for direct services. The Father felt that two observations by the Board Certified Behavior Analyst (BCBA) were not sufficient. The team agreed to an additional observation by the BCBA. The Mother stated that the Student required additional support from the paraprofessional. She requested 1-1 paraprofessional support and an out-of-district placement. The team refused both requests. The Student was offered extended school year (ESY) services for the 2014-2015 school year. It was recommended that the Student attend a social skills group twice a week during ESY. The Father was in agreement and the Mother was not. (B-28, Testimony of Mother, Testimony of APP, B-29)
14. The team refused the mother's request for an out-of-district placement because they were of the opinion that the District school is the LRE for the Student. The Father was not in agreement with an out-of-district placement. The Mother did not recommend any specific placement. (Testimony of APP)
15. On May 15, 2014 a PPT was held to provide additional accommodations to the Student and schedule an AT evaluation to be reviewed in October 2014. (B-27)
16. The Mother stated at the May 15, 2014 PPT that independent physical therapy and occupational therapy evaluations had been completed by Pediflex. The team would reconvene to review the evaluations once presented to the District. (Testimony of Mother, B-27)
17. The evaluations were never provided to the PPT because they were similar to the evaluations performed by the Board. In an email to the evaluator, the Mother asked the evaluator to provide better recommendations because she could not use them in the due process hearing, stating, "The evaluations were useless." She accused the evaluator of not reading the Student's IEP. (Testimony of Mother, B-27, B-62)
18. The additional observation performed on May 12, 2014 by the BCBA that had been agreed to in the March 24, 2014 PPT showed that sustained work remains intact early in the day with a clear decrease in focus during an extended period of time. The evaluator stated that the original recommendations from the original FBA remained relevant for review and potential implementation as deemed necessary. (B-24, P-5-2).

19. During the 2013-2014 school year, the Student was able to master Goals 1, 6 and 7. The Student made satisfactory progress in all of his other goals. The Student's lowest grade was a C+ in English. (B-2, B-63)
20. On October 2, 2014, a PPT was held at the request of the Mother. Mother expressed concerns about Student being below grade level and also stated that he had a vomiting disorder. The Board was not aware of the new medical issue; the Father signed releases for the school nurse to speak with the Student's pediatrician and the school psychologist to speak with the Student's therapist. The Mother took the release forms home because there were other physicians she wanted included in the releases. (B-17)
21. The Student's private psychologist, Dr. Pines, spoke with the school psychologist. Dr. Pines was no longer treating the Student. The Student's psychologist was of the opinion that home stressors were the cause of the Student's anxiety. (Testimony of School Psychologist Holzer)
22. During the 2014-2015 school year the Student received support from a paraprofessional. He received one on one services in Physical Education, Reading and Arts and Crafts. In science class the paraprofessional provided services to 2-3 students. The Student's teacher provided the majority of support to the Student. The paraprofessional would look over his work and if she saw an error would ask him to review the work and see what is wrong. In one of his papers, the Student dictated his answer and she filled it in because the Student's hands were wet since the projected required him to be pulling out sand from water. (Testimony of Paraprofessional M.H., P-4 pg. 7)
23. The paraprofessional would communicate with the teacher when the Student was tired or having difficulty with his work. Student used a notebook computer that had programs on it including a word prediction program. When the Student was absent, the paraprofessional would take notes and provide them to the Student. Other students would talk to the Student and include him in their group. The Student felt more comfortable with adults but would sit at a table with peers. (Testimony of Paraprofessional M.H.)
24. During the 2014-2015 school year, the Student took a course called Young Inventors. The noise from the machinery made the Student anxious and bothered him. At the beginning, he would step out of class because of the noise. The Student was provided with noise suppressor headsets. The first step in the course was reverse engineering for which the students were given a project. The Student became acclimated to the class. (Testimony of Teacher S.W.)
25. The Student's project was restoring a battery operated vacuum cleaner. The Student became engrossed in his project. The teacher obtained donated vacuum cleaners which the Student repaired. He would research the vacuum cleaner on the classroom computer and the teacher would order the parts the Student needed to repair the vacuum cleaners. Under the direction of his teacher, the Student would repair vacuum cleaners in the class, sell them and purchase tools. The Student received an A in the class. Although his IEP

allowed for modifications in his testing, the Student chose to take the test with his peers and finished in the allotted time. His peers came to him for assistance in this class and the Student was willing to help and learned to share with his peers. (Testimony of Teacher S.W.)

26. The Young Inventors course was a one semester course. Based on the Student's interest and performance in the course, the District allowed him to take the course for another semester. During the second semester, the Student assisted other students. The course was a skill-based course, but the Student was able to do the work even better than his peers. (Testimony of Teacher S.W.)
27. The Student continues to receive consultative services to support his use of sensory, motor and adaptive strategies and modifications. Modifications provided to the Student include preferential seating, clearing his work surface and breaking activities down into smaller steps. (B-14)
28. The Student received 1-1 counseling if it was needed; otherwise, he had group sessions every other week for one half hour. There were six students in his group. One to one sessions occurred when Student's anxiety was high. He received coping strategies for anxiety. Home stressors were the main cause of his anxieties. During the 2014-2015 school year, while in school, the Student did demonstrate anxiety. (Testimony of School Psychologist Holzer)
29. The updated Assistive Technology report showed that the Student's typing skills were improving. His typing speed had decreased; this was attributed to the Student's use of formal typing instead of using only his two index fingers. The consultant recommended that the Student progress to a graphic organizer, an appropriate personal technology device and explore the use of a speech recognition device if the team felt that the Student's writing skills had improved to the point where he could possibly dictate for writing. (B-10)
30. On March 18, 2015, the PPT met to conduct an annual review for the 2014-2015 year. The Student was identified as an active learner. The Student is able to form his letters with accommodations. When the Student has a high volume of work, a computer is a more effective tool. The Student has access to a computer whenever he needs it. He has also been provided with a personal laptop, which he can take home. For the 2015-2016 school year, the Student will receive ESY for math and social skills. (B-7)
31. At the March 18, 2015 PPT, the Mother objected to the Father's wife being present at the PPT. The Mother and her attorney, despite the Board attorney's request to avoid any further disruptions of the PPT, continued disrupting the teacher's report concerning the Student. The PPT was adjourned due to the continued disruptions. The School team continued the meeting without the Parents. The team also recommended reconvening in May 2015 for another annual review. (B-29)

32. Prior to the adjournment of the March 18, 2015 PPT, the Mother requested an out-of-district placement and direct occupational therapy services. Based on the reports provided regarding the Student's progress, the Board denied the Mother's request. The Mother also requested the Student's raw data. The Team agreed to gather the data and provide dates for the Parents to come to the school and review it. The Mother requested baseline testing. Baseline testing is done through standardized testing. (B-29, Testimony of APP)
33. The Student mastered Goals 1, 2, 4, 5, 6, and 7 in his 2014-2015 IEP. In Goal Number 3, which addressed his math skills in everyday problems, the Student made satisfactory progress. At the March 18, 2015 PPT, it was agreed to provide an ESY for math. The Student's lowest grade was a B- in World History. (B-6, B-7)
34. At the June 10, 2015 PPT, the Mother did not believe the Student's test scores were accurate given the accommodations provided. The Mother requested that the team conduct benchmark tests without accommodations as required in the IEP in order to reflect the Student's actual performance. The Mother again requested an out-of-district placement. The Father was not in accord with the Mother's request. The team refused the Mother's request. (B-3)
35. A paraprofessional provided services to the Student during the 2015-2016 school year. This was her first year working with the Student. While in the classroom, the Student does not demonstrate any negative behaviors. The paraprofessional does not provide 1-1 services to the Student. She gives the Student positive reinforcements and makes sure that he has the same material as the other students. She does not edit the Student's work or answer any educational questions from the Student. (Testimony of Paraprofessional J.P.)
36. In the 2015-2016 school year, when the Student came to school, he interacted with peers during group activities and he participated in his history class and asked questions. (Testimony of 8th Grade History Teacher)
37. At the October 2, 2016 PPT, the school psychologist reported on the 3 objectives in Goal 5 (a social/behavioral goal). The Student had nearly mastered the objectives and was expected to master them before the end of the 2015-2016 school year. The Student was showing flexibility with various activities and happily participating with other students in these activities. The Student was demonstrating the ability to use strategies to decrease anxiety and seek out support staff when anxious. (B-12, Testimony of School Psychologist Holzer)
38. On October 14, 2015, a PPT was held to address the Student's 15 absences since the start of the school year. The District had recommended that when the Student refused to come to school, the mother could call the school and request that school support staff go to the home to encourage him to come to school. The Mother has not called the school to request assistance. The Mother signed a release for the District to contact the Student's pediatrician. (B-1)

39. At the start of the 2015-2016 school year, the Student was not attending school because of home issues. Student does not want to go to Father's house after school. (Testimony of Mother)
40. The school psychologist noted that the Student was having hygiene problems which were confirmed by the Mother. The Mother requested that the occupational therapist address this issue in her OT consults. The Psychologist recommended an objective be added to address this issue. The APP recommended that 2 objectives be added to his IEP to address his anxiety around school attendance. The Mother reiterated her request for an out-of-district placement but did not identify the placement she was seeking. (B-1)
41. The Student's 2015-2016 IEP Goal 6 was amended to include two objectives to address the Student's school attendance issue. Goal 7 was added to his IEP to address his hygiene issues. (B-1)
42. The Mother requested placement at Ben Bronz Academy. The Student has not visited the school nor has the Mother applied for the Student to attend. Ben Bronz has not accepted the Student in their program. (Testimony of Mother)
43. On October 28, 2015, the District advised the Mother that they were sending home samples of the Student's school work as she had requested. The District had offered her the opportunity to review the work in the school, but she did not take advantage of the appointment dates provided. (B-60)

CONCLUSIONS OF LAW and ARGUMENT:

1. It is undisputed that the Student is eligible for special education and related services as set forth in IDEA, 20 U.S.C. Sec. 1401, et seq. FAPE is defined as special education and related services that are provided at public expense, meet the standards of the state educational agency, include an appropriate school education, and that are provided in conformity with the IEP. 20 U.S.C. §1401(8).
2. The Board has the burden of proving the appropriateness of the Student's program and placement, which burden shall be met by a preponderance of the evidence. (Regulation of Connecticut State Agencies (R.C.S.A.) Sec. 10-76h-14) The Board has met its burden.
3. The standard for determining whether a Board has provided FAPE is set forth as a two-prong inquiry in Board of Education of the *Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176 (1982). The first question to be determined is whether the Board complied with the procedural requirements of the Act? The second question to be determined is whether the IEP is "reasonably calculated to enable the child to receive educational benefits?" *Rowley*, 458 U.S. at 206-207.
4. As to the first inquiry there was a claim presented at the prehearing conference that the Board had committed procedural violations. The Parent Mother's attorney in their Post Trial Brief stated that the Board denied the Mother meaningful participation in that her

inquiries were not taken seriously. As the Supreme Court noted in *Rowley*, 458 US at 206, Congress's emphasis in IDEA is "upon the full participation of concerned parties throughout the development of the IEP." Compliance with the IDEA's procedural requirements is the responsibility of the Board and not the parents. *Unified School District v. Department of Education*, 64 Conn. App. 273, 285 (2001). However, a procedural violation of the IDEA does not, in and of itself, warrant a change in the child's educational placement. In order to conclude the procedural violation is a denial of FAPE, the parent must show the procedural violation caused a loss of educational opportunity. See *Burke County Bd. Of Educ. v. Denton*, 895F.2d 973, 982 (4th Cir. 1999) Procedural violations do not necessarily require the Hearing Officer to find that a denial of FAPE has occurred. However, procedural violations that interfere with parental participation in the IEP formulation process undermine the very essence of IDEA. *Amanda J. ex rel Annette J. v. Clark County Sch. Dist.*, 267F.3d 877 (9th Cir. 2001). IDEA expects strong participation at PPT meetings. *Warren G. v. Cumberland County Sch. Dist.*, 190 F. 3d 80 (3rd Cir. 1993)

5. The Mother's issue about not being a meaningful participant is without merit. The Mother requested a one on one service for the Student; the District was providing one on one service in the areas which were most critical for the Student (Findings of Fact No. 22 and 28). The Mother requested a PPT and the Board agreed (Findings of Fact No. 20); the Mother complained about the Student's frequent absences in the beginning of the 2015-2016 school year and the Board added 2 additional objectives to address the issue. The Mother presented to the PPT the Student's hygiene issue and the Board added an additional objective to his IEP to address this issue. (Findings of Fact No. 40) The Mother obtained OT and PT evaluations of the Student which she did not share with the District. She asked the evaluator to amend his recommendations because they were useless. (Findings of Fact No. 17) The Board does not have to comply with each request of the Mother but must allow her to be a meaningful participant. Procedural Compliance with the IDEA's requirements is the responsibility of the Board and not the parents; I find that the Board has complied with IDEA's requirements.
6. As to the second prong of whether the IEP was reasonably calculated to enable the child to receive educational benefits, the IDEA does not itself articulate any specific level of educational benefit that must be provided through the IEP. The Board fulfills its obligation under the second inquiry if it provides an appropriate education that is "likely to produce progress, not regression," and if the IEP affords the Student with an opportunity greater than "trivial advancement." *Walczak v. Florida Union Free School District*, 142 F.3d at 130.
7. Appropriateness is determined by focusing on what was or was not objectively reasonable when a snapshot of the IEP was taken. *D.F. and D.F. on behalf of N.F. v. Ramapo Central School District*, 403 F3d. 595 (2d. Circuit 2005). Whether the program is "individualized on the basis of the Student's assessments and performance" is also utilized to determine the appropriateness of an IEP. See *A.S. v. Board of Education of West Hartford*, 35 IDELR 179 (D Conn. 2001). As required by the IDEA, the Board

reviewed Student's needs at various PPTs on an individualized basis at appropriate intervals. (Findings of Fact No. 9, 13, 20, 30, 37).

8. When measuring progress, the *Rowley Court* determines that such objective factors as "[t]he grading and advancement system" are important measures on acceptable progress. *Id.* At 203. Further, "[w]hen the handicapped child is being educated in the regular classrooms of a public school system, the achievements of passing marks and advancement from grade to grade will be one important factor to determine educational benefit." *Id.* at 207 n.28. In *Mrs. B. v. Milford Board of Education* 103 F.3d 1114, 1121 (2d Cir. 1997), the Second Circuit Court of Appeals in interpreting *Rowley* noted that "[a] child's academic progress must be viewed in light of the limitations imposed by the child's disability." The Student's learning disabilities are complex, interrelated and at times severe. Sensory issues (i.e. loud noises, shaking hand while holding pencil and chewing shirt and pencils) also interfere with his ability to learn. (B-13) Given these severe and interrelated disabilities, the Student's progress has not been as expected by Mother. However, Student's steadily improving academic performance shows that the Board's program was appropriate. In his Young Inventors class, the Student even became a mentor and a "go to" person for his peers who might need assistance or advice on their projects. In the class, he utilized the computer to seek replacement parts. This all shows growth in the Student's reading ability, his ability to utilize the computer by searching and finding replacement parts and development of motor skills with his typing. (Findings of Fact No. 19, 23, 29, 35, 38).
9. In addition to the FAPE requirement, IDEA's preference is for the student to be educated in the least restrictive environment capable of meeting their education needs. *Walczak, supra*. School Districts must evaluate whether a child with a disability can be educated in a regular classroom if provided with supplementary aides and services. *Roberti v. Board of Education*, 995 F.2d 1204 (d Cir. 1993) IDEA's least restrictive environment requirement is met when the child with a disability is educated in the regular classroom, or when the child who cannot be fully included is mainstreamed to the "maximum extent possible." *Oberti*, at 1217. The Board has provided the Student with FAPE in the LRE in the 2014-2015 and 2015-2016 school years. (Findings of Fact 22, 24, 36).
10. To the extent a procedural claim raised by the Parent is not specifically addressed herein, the Hearing Officer has concluded that the claim lacked merit.

FINAL DECISION AND ORDER:

1. The program offered by the Board for the 2014-2015 school year provided the Student with FAPE in the LRE.
2. The program offered by the Board for the 2015-2016 school year provided the Student with FAPE in the LRE.
3. The Board did not violate the Mother's procedural rights during the 2014-2015 and 2015-2016 school years.
4. The Student is not entitled to compensatory education.

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