

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stonington Board of Education

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

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

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to provide student with a Free Appropriate Public Education ("FAPE") in the Least Restrictive Environment ("LRE") for 2011-2012 academic year?
2. Did the District fail to provide student with a FAPE in the LRE for the summer of 2012?
3. Did the District fail to provide student with a FAPE in the LRE for 2012-2013 academic year?
4. Did the District fail to provide student with a FAPE in the LRE for the summer of 2013?
5. Did the District fail to provide student with a FAPE in the LRE for 2013-2014 academic year?
6. Did the District fail to properly evaluate and/or identify Student's autism spectrum disorder from age three through 11th grade?
7. Did the District violate Student's procedural safeguards under the Individuals with Disabilities Education Act by:
 - a. not providing transition planning in Student's Individualized Education Program ("IEP");
 - b. failing to have appropriate transition goals and services in Student's IEP by Student's 16th birthday;
 - c. failing to properly evaluate Student in all areas of suspected disability;
 - d. failing to conduct evaluations requested by Parent between September 2012 and March 2013;
 - e. failing to ensure parents had sufficient information in order to meaningfully participate in the development of the IEP;
 - f. failing to comply with Independent Educational Evaluation requirements at, during and subsequent to April 29, 2013;
 - g. failing to conduct Assistive Technology Evaluation despite recommendations from professionals that such were appropriate;
 - h. failing to consider AT at each revision of the Student's IEP;

- i. failing to inform Student of transfer of rights by 17th birthday;
 - j. failing to provide parents with requested information and progress reports.
8. If the District's program for the Student is not appropriate, is Riverview School an appropriate placement?

PROCEDURAL HISTORY AND SUMMARY:

On February 18, 2014, the Board received a request for special education due process hearing and the undersigned hearing officer was appointed. The deadline for mailing the final decision and order was May 4, 2014. A prehearing conference was initiated on February 28, 2014, during which Attorney for the Board indicated that the parties had reached a settlement. On March 2, 2014, Attorney for the Student withdrew the hearing request in writing.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

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

Brette H. Fitton
Hearing Officer Name in Print