

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Jennifer Laviano, Esq.
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Appearing on behalf of the Board: Craig Meuser, Esq.
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Appearing before: Mary H.B. Gelfman, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the Individualized Education Programs (IEPs) and placements provided by the Board for the Student's 2009-2010, 2010-2011 and 2011-2012 school years appropriate to the Student's special education needs in the least restrictive environment?
2. Has the Board properly evaluated the Student?
3. Did the Board violate the Student's and her Parents' procedural safeguards under State and Federal law:
 - a. Was she evaluated in all areas of suspected disability?
 - b. Did the Board convene a Planning and Placement Team (PPT) meeting when the Student's performance and/or behavior in school were a concern?
 - c. Was the Student denied appropriate Extended School Year (ESY) services?
 - d. Did the PPT use only CMT scores to determine a special education placement for the Student?
 - e. Did the Board deny Parent's request for an independent educational evaluation (IEE) without initiating a hearing as required by regulation?
 - f. Was there an unreasonable delay in the performance of a neuropsychological evaluation of Student?
 - g. Did the PPT fail to include requested and rejected services in the Prior Written Notice concerning the Student?
 - h. Did the PPT fail to provide a medical evaluation for the Student when concerns about vision, anxiety and attention were reported?
4. If the IEP and placement provided by the Board for school years 2009-2010, 2010-2011 and/or 2011-2012 were not appropriate to the Student's special education needs, is placement at Forman School (or a similar facility) appropriate?

5. Is the Board responsible for funding placement of the Student at Forman School (or a similar facility)?
6. Is the Board responsible for reimbursing documented costs for tutoring, ESY services at Ben Bronz and/or counseling services provided to the Student by Parents?

PROCEDURAL HISTORY:

This hearing was requested by Parents on July 29, 2011. The Hearing Officer was appointed on August 2, 2011. The date for mailing the decision was October 12, 2011.

A pre-hearing conference was held on August 17, 2011. At that time, the Parties reported that they had scheduled a resolution meeting for August 25, 2011. The hearing was scheduled for September 27, October 19, 25 and 26, and November 3 and 15, 2011. To accommodate the additional hearing dates, the Parties requested that the decision date be extended; that request was granted by the Hearing Officer and the decision date was extended to November 11, 2011.

The Parties agreed to some program modifications and an independent evaluation, and requested that the hearing sessions scheduled for September 27 and October 19, 25 and 26, 2011, be postponed. The Parties also requested that the decision date be extended to December 11, 2011. The Hearing Officer granted both requests. The November 3 hearing session was also postponed by mutual agreement.

When the hearing convened on November 15, 2011, the Parties requested time to discuss settlement, which was granted by the Hearing Officer. Although the Parties have reported reaching agreement in principle, there has been no further communication.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

The Student has been classified as Other Health Impaired, with difficulties in reading fluency and math, and had received speech/language therapy and resource room support. The Parents have requested placement in an out of district private school and reimbursement for a summer program they provided.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent", and titles of school staff members and other witnesses in place of names and other personally identifiable information.

FINAL DECISION AND ORDER:

There having been no further communication prior to the decision date of December 11, 2011, concerning either a final settlement or a hearing date, this matter is DISMISSED without prejudice.