

**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: Marsha Belman Moses, 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 offered by the Board for school years 2008-2009, 2009-2010, and 2010-2011 appropriate to the Student's special education needs in the least restrictive environment?
2. Did the Student require direct, regularly scheduled related services of Speech/Language Therapy (S/L) and Occupational Therapy (OT) during 2008-2009, 2009-2010 and 2010-2011?
3. Did the Board fail to provide a triennial re-evaluation in 2010?
4. Are Parents entitled to an independent S/L evaluation of the Student?
5. Did the Board deprive Student's Parents of their right to participate in the Planning and Placement Team (PPT) process?
6. Are the Parents entitled to reimbursement from the Board for documented evaluations and related services provided at Parents' expense?

Note: possible reimbursement limited to two years, from April 6, 2009, pursuant to Section 10-76h-4, Regulations of Connecticut State Agencies.

PROCEDURAL HISTORY:

This hearing was requested by Parents on April 6, 2011. The Hearing Officer was appointed on April 7, 2011. The date for mailing the decision was June 20, 2011. The Parties requested mediation and an extension of the mailing date. The request was granted and the mailing date was extended to July 20, 2011.

A pre-hearing conference was held on May 5, 2011. The hearing was scheduled for June 23, 2011.

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

SUMMARY:

The Parents challenged the appropriateness of 2008-2009, 2009-2010, and 2010-2011 Individualized Education Programs and placements provided by the Board. They claimed that related services needed by Student were not provided. They requested reimbursement for evaluations and related services they had provided. The case was settled in mediation, and the Parents withdrew their request for a hearing.

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.

CONCLUSIONS OF LAW:

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

FINAL DECISION AND ORDER:

The dispute having been settled and the request for hearing withdrawn, this case is DISMISSED.