

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Southington Board of Education

Appearing on behalf of the Parent

Attorney David Shaw  
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Appearing on behalf of the Board

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Appearing before:

Attorney Sylvia Ho, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

Issues agreed to by the parties:

1. Whether the Board's program for the 2011-2012 school year is appropriate?
2. What is the Student's agreed upon Individualized Education Program ("IEP")?
3. Whether the Board should be required to retain Dr. Karan or another mutually acceptable consultant to consult to develop and implement an IEP through a private provider acceptable to the Parent?
4. Whether the behavior that occurred in the family home was a manifestation of the student disability?
5. Whether the Student was entitled to an independent educational evaluation?
6. Whether the Parent requested an independent educational evaluation on February 7, 2012?
7. Whether the Board should be required to pay for an independent evaluation?
8. Whether the Board violated the Student's substantive and/or procedural due process rights during the PPT (Planning and Placement Team) process?
9. Do the circumstances warrant the award of compensatory services as a just and equitable remedy?

The issues that the parties disagreed upon and were to be briefed and to be considered prior to the presentation of the evidence are as follows:

1. Whether the behavior exhibited in his family home could serve as a basis for expelling the Student from school?
2. Whether the Student should be suspended and/or expelled from school and the special education program for the 2011-2012 school year?
3. Whether the Student should be immediately placed in accordance with the last agreed upon IEP pursuant to the stay-put provisions of federal law?
4. Whether the Board deprived the Student of FAPE and/or violated his IDEA procedural rights in violation of §504 of the Rehabilitation Act and/or the ADA?

**SUMMARY:**

Parent initiated a Request for Due Process Hearing on April 13, 2012, which was received by the Board on the same day. The original mailing date of the final decision was June 26, 2012. A prehearing conference was held on May 1, 2012 and a hearing scheduled for June 5, 2012. At the time of the Request for Due Process, Student was in an Interim Alternative Educational Placement. A hearing on the issues commenced on June 7, 2012. At the hearing, the parties continued to negotiate their dispute. The parties requested a continuance of the hearing so that they could continue to negotiate in good faith. The request was granted and the hearing was continued on June 22, 2012 and the mailing date for the Final Decision was extended to July 27, 2012. The hearing resumed on June 22, 2012. During the hearing, the parties reported that they had come to a settlement of the dispute and that in accordance with the terms, the Parent requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER**

The matter is **DISMISSED** with prejudice.