

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Southington Board of Education and Student

Appearing on behalf of the Board of Education: Attorney Craig Meuser
Chinni & Meuser LLC
One Darling Drive
Avon, CT 06001

Appearing on behalf of the Student: Attorney Christina Ghio
The Law Office of Christina D. Ghio LLC
P.O. Box 186
Cheshire, CT 06410

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Board of Education's evaluation of the Student appropriate?
2. If not, is the Student entitled to an Independent Educational Evaluation at public expense?
3. Did the Board of Education provide the Student a free appropriate public education from January 2014 through the present?
 - a) If not, in what ways should the IEP be changed?
 - b) If not, is the student entitled to compensatory education services, including reimbursement for services secured privately?
4. Did the Board of Education violate the Student's rights under Section 504 of the Rehabilitation Act?
5. If so, what is an appropriate remedy?
6. Did the Board of Education violate the Student's rights under the Americans with Disabilities Act?
7. If so, what is an appropriate remedy?

PROCEDURAL HISTORY:

The Board requested a special education due process hearing in the above-captioned matter on October 8, 2015. The Impartial Hearing Officer was appointed to hear the case on October 8, 2015. A telephonic pre-hearing conference was conducted on November 2, 2015. Attorney Craig Meuser appeared on behalf of the Board of Education and Attorney Christina Ghio appeared on behalf of the Student. The deadline for filing the final decision and order was established to be November 20, 2015 and a hearing was scheduled for December 8, 2015.

On November 9, 2015, the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to December 18, 2015. The purpose of the requested postponement and extension was to allow the parties time to explore settlement of the case as well as to accommodate the hearing schedule. The Board of Education agreed to the requested postponement and it was granted. The hearing date of December 8,

2015 was cancelled. In December 2015, a second request for an extension of the deadline was also granted on the same basis, bringing the deadline to January 15, 2016.

On January 11, 2016, the Student requested a third thirty-day postponement and extension of the timeline to conduct the hearing and to file the final decision in the case to February 12, 2016. The purpose of the requested postponement and extension was to accommodate the hearing schedule and allow the parties to pursue due process. The request was granted.

On January 14, 2016, the Student requested a special education due process hearing which was assigned Case No. 16-0314. Impartial Hearing Officer Janis Jerman was appointed to hear the case. On January 27, 2016, Case No. 16-0314 and Case No. 16-0189 were consolidated under Case No. 16-0189 to be heard by this Impartial Hearing Officer. The deadline for hearing the case and issuing the final decision was reset to February 12, 2016. New hearing dates of March 18, 2016 and March 30, 2016 were scheduled.

On February 9, 2016, the parties participated in mediation. They did not reach an agreement for resolution of the case at that time, but continued to negotiate and notified the Impartial Hearing Officer on March 8, 2016 that they anticipated finalizing a settlement in the near future. At that time, the hearing on March 18, 2016 was cancelled at the Student's request. The deadline for hearing the case and issuing the final decision was also extended to March 29, 2016.

On March 21, 2016, the Student again requested that the deadline for hearing the case and issuing the final decision be extended for another 30 days and that the hearing date of March 30, 2016 be cancelled. The Board consented to the request and it was granted.

On April 20, 2016, the Student and the Board of Education each requested that the matter be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the Student's request and the Board of Education's request for dismissal are granted and this matter 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

ANN F BIRD

Hearing Officer Name in Print