

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Torrington Board of Education

Appearing on behalf of the Parent: Attorney Elizabeth Knight Adams
The Law Offices of Elizabeth Knight Adams, P.C.
81 Wethersfield Avenue, Ste. 2
Hartford, CT 06114

Appearing on behalf of the Board: Attorney Frederick L. Dorsey
Kainen, Escalera and McHale, P.C.
21 Oak Street
Hartford, CT 06106

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2011-2012 school year including extended school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board for the 2012-2013 school year including ESY appropriate and did it provide the Student with FAPE in the LRE?
3. Is the Student entitled to compensatory education for the denial of FAPE?
4. Did the Board evaluate the Student in all areas of suspect disabilities?
5. Does the hearing officer have jurisdiction to decide the Student's claims of violations of Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act of 1990 (ADA)? If so;
6. Did the Board violate Section 504 and the ADA in their refusal to prevent and/or address acts of physical assault, sexual assault, harassment and bullying on the basis of the Student's disability?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired (OHI) and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program provided by the Board for the 2012-2013 school year. The Parents requested compensatory education for the denial of FAPE. The Board refused the Parents request.

On June 1, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on June 1, 2015 and a pre-hearing conference was held on June 12, 2015. The parties agreed to allow the Parents' attorney to clarify their issues and allow the Board to respond to the

clarified due process request. Another prehearing conference was scheduled for August 5, 2015 at which hearing dates of October 19, 27 and 28, 2015 were chosen by the parties.

In a letter from the Parents' attorney, the Parent withdrew with prejudice issues one through four inclusive of the request for due process and issues five and six were withdrawn without prejudice. The Board did not object to this withdrawal. The date for the mailing of the Final Decision and Order was extended to October 9, 2015 to accommodate the hearing date.

FINAL DECISION AND ORDER:

ISSUE 1, 2, 3, AND 4 ARE DISMISSED WITH PREJUDICE.

ISSUE 5 AND 6 ARE DISMISSED WITHOUT PREJUDICE.