

August 19, 2011

Final Decision and Order 12-0001

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Simsbury Board of Education

Appearing on Behalf of the Parents:

Pro Se

Appearing on Behalf of the Board:

Attorney Julie C. Fay
Shipman and Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing Before:

Attorney Justino Rosado
Hearing Officer

ISSUES:

1. Did the Board perform child find in a timely manner?
2. Was the program offered by the Board for the 2010- 2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is the program offered by the Board for the 2011- 2012 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Does the program at Watkinson School provide the Student with FAPE in the LRE?
5. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 school year and/or the Board's delay in child find?

FINAL ORDER AND DECISION

SUMMARY and PROCEDURAL HISTORY:

The Student is a student who has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education ("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. At a PPT meeting, the Parents rejected the program offered by the Board for the 2011- 2012 school year. The Parents requested placement at Watkinson School. The Board refused the Parents' request.

On or about July 5, 2011, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation and a resolution meeting was scheduled for July 20, 2011.

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An impartial hearing officer was appointed on July 12, 2011 and a pre-hearing conference was held on July 19, 2011. Hearing dates of August 25, September 1 and 2, 2011 were chosen. In an electronic transmission, the Parents advised the hearing officer that the parties were able to resolve the matter at the resolution meeting and that the parties needed additional time to formalize the agreement. In an electronic transmission, the Parent informed the hearing officer that the agreement had been signed and in another electronic transmission, the Board advised the hearing officer that the ratified agreement had been received. The date for mailing the Final Decision and Order is September 19, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED.