

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Avon Board of Education

Appearing on Behalf of the Surrogate:

Attorney David Shaw
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Bloomfield CT 06002

Appearing on Behalf of the Board:

Attorney Craig Meuser
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30 Avon Meadow Lane
Avon, CT 06001

Appearing Before:

Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. 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)?
2. Was the ESY program offered by the Board for the summer 2011 appropriate and did it provide the Student with FAPE in the LRE?
3. Does the program offered by the Board for the 2011-2012 school year provide the Student with FAPE in the LRE and does it violate the Student's rights secured by the American with Disabilities Act and Section 504 of the Rehabilitation Act of 1973?
4. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 School year?

SUMMARY and PROCEDURAL HISTORY:

The Student has been as identified with Emotional Disturbance 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 Parent rejected the program offered by the Board for the 2011-2012 school year. The Parent requested a specialized program and an independent educational consultant. The Board refused the Parent's request. On or about November 9, 2011, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on November 2, 2011 and a prehearing conference was held on November 22, 2011. Hearing dates of December 21, 2011, January 4, 10, 12, 24 and 25, 2012 were chosen by the parties. The December 21, 2011 hearing date was cancelled to allow the PPT to review an evaluation provided by the Parent. The Parent objected to the cancellation of the initial hearing date. The cancellation of the initial hearing date was granted and the cancellation did not affect the agreed upon timeline of the mailing of the Final Decision and Order.

At the January 12, 2012 hearing date the parties informed the hearing officer that the matter had been resolved and the matter was being withdrawn with prejudice. The withdrawal with prejudice was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is February 20, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.