

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano  
Law Offices of Jennifer D. Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on Behalf of the Board: Attorney Christine Chinni  
Chinni & Meuser LLC  
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 2009-2010 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Is the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Does the Student require 2 nurses with qualifications and experience as outlined in the Student's individualized health care plan (IHCP) drafted by CCMC?
4. Should the Board provide interim homebound tutoring and related services from 9:00 a.m. to 3:30 p.m. until the Board is able to provide an appropriate and safe program for the Student?
5. Should the Board reimburse the Parent for all costs associated with the Board's failure to provide FAPE to the Student?
6. Is the Student entitled to compensatory education services for the denial of FAPE for the 2009-2010 school year?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been previously identified as entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT, the Parent objected to the program offered by the Board for the 2010-2011 school year and requested an interim homebound program with tutoring and related services from 9:00 a.m. to 3:30 p.m. until the Board is able to provide an appropriate and safe program for the Student. The Board refused the Parent's request.

On or about March 11, 2011, the Board received notice of the Parent's request for due process. The parties agreed to waive the resolution meeting and to mediate the matter. A May 20, 2011 mediation date was provided to the parties.

An impartial hearing officer was appointed on March 14, 2011 and a pre-hearing conference was held on March 21, 2011. A hearing date of May 26, 2011 was chosen by the parties. The May 26, 2011 hearing date was cancelled to allow the parties time to mediate the matter; hearing dates of June 21 and 22, 2011 were chosen.

At the first day of hearing the parties informed the hearing officer that an agreement had just been signed. The date for the mailing of the Final Decision and Order is June 24, 2011.

**FINAL DECISION AND ORDER**

**THE MATTER IS DISMISSED.**