

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. West Hartford Board of Education

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

Appearing on behalf of the Board: Attorney Susan Freedman
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board including extended school year (ESY) for the 2015-2016 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the unilateral placement of the Student at Ben Bronz Academy for the 2015-2016 school year including ESY provide the Student with a meaningful education?
3. Should the Parents be reimbursed for the cost of the unilateral placement of the Student at Ben Bronz Academy for the 2015-2016 school year including ESY?
4. Should the Board reimburse the Parents' for the cost of additional tutoring from February 24, 2012 to the end of the 2015-2016 school year?
5. Is the Student entitled to Compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism 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 offered by the Board for the 2015-2016 school year and requested reimbursement for the cost of the unilateral placement of the Student at Ben Bronz Academy for the 2015-2016 school year. The Board refused the Parents' request. On February 24, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on February 24, 2016 and a pre-hearing conference was held on March 3, 2016. The parties agreed to forego a resolution meeting and mediate the matter. The mediation date was pending. A hearing date of May 19, 2016 was chosen by the parties.

June 7, 2016

Final Decision and Order 16-0371

In an electronic transmission the Parents' attorney requested that the hearing date be canceled to allow the parties to continue to try and resolve the matter. The request was granted and a June 21, 2016 hearing date was chosen by the parties.

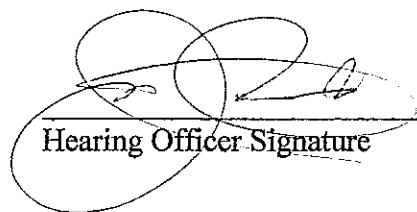
In an electronic transmission the Parents' attorney informed the hearing officer that the matter was resolved but not memorialized. The Parents withdrew the matter without prejudice. The date for the mailing of the Final Decision and Order was extended to accommodate the hearing date. The mailing date for the Final Decision and Order is July 7, 2016.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.

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

Justino Rosado
Hearing Officer Name in Print