

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on Behalf of the Parents: Nora A. Belanger, Esq.
Law Office of Nora Belanger, LLC
10 Wall Street
Norwalk, CT 06850

Appearing on Behalf of the Board: Michelle C. Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program and related services offered by the Board for the 2006-2007 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
2. Was the program and related services offered by the Board for the 2007-2008 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
3. Was the unilateral placement of the Student at Kildonan School for the summer of 2008 appropriate and did it provide the Student with FAPE in the least restrictive environment (LRE)?
4. Is the program and related services offered by the Board for the 2008-2009 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
5. Should the Board reimburse the Parents for the unilateral placement of the Student for the summer of 2008 at Kildonan School?
6. Should the Board reimburse the Parents for the unilateral placement of the Student at Kildonan School for the 2008-2009 school year?
7. Should the Board reimburse the Parents for the tutoring and services paid by the Parents during the 2006-2007 school year and ESY?
8. Should the Board reimburse the Parents for the tutoring and services paid by the Parents during the 2007-2008 school year and ESY?
9. Did the Board commit procedural violations that caused a denial of FAPE to the Student during the 2006-2007 and 2007-2008 school years?
10. Is the Student entitled to compensatory education?
11. Should the Board pay for the evaluation of the Student by Dr. Kruger?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 12 years old young boy who has been identified as Other Health Impaired ADHD and Dyslexia and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the June 25, 2008 PPT meeting, the Parents rejected the program offered by the Board for the 2008-2009 school year. The Parents requested placement at Kildonan School for the 2008-2009. The Board refused the Parents’ request.

On or about September 3, 2008, the Board received notice of the Parents request for due process. The parties agreed not to have a resolution meeting and instead agreed to mediate the matter. Mediation was held on October 16, 2008.

An impartial hearing officer was appointed on September 5, 2008 and a pre-hearing conference was held on September 18, 2008. A hearing date of October 24, 2008 was chosen by the parties.

In a letter dated October 17, 2008, the Parents’ attorney advised the hearing officer that the matter had been settled. The parties informed the hearing officer that the hearing was withdrawn with prejudice.

The date for the mailing of the Final Decision and Order is November 17, 2008.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.