

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Monroe Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner  
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Westport, CT 06680

Appearing on behalf of the Board: Attorney Marsha Moses  
Attorney Christine Sullivan  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06426

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a free appropriate public education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”) 20 USC § 1400 et seq., 34 CFR Part 300 and the provisions of Conn. Gen Stat. § 10-76 et seq. for the 2016-2017 school year by:
  - a. Failing to provide Student with homebound tutoring services when such services were recommended on March 3, 2017, May 12, and/or May 23, 2017; and/or
  - b. Unilaterally discontinuing homebound tutoring service on or about May 18, 2017?
2. Did the District violate Parents’ procedural safeguards under the IDEA by not informing Parents of the portions of the homebound tutoring form and letter that were not in conformity with applicable state regulations? If the District violated the Parents’ procedural safeguards, did such violation operate to deny Student a FAPE?
3. If the District committed a violation of Student’s right to a FAPE under the IDEA and Conn. Gen Stat. § 10-76 et seq., is compensatory education an appropriate remedy?
4. Did the District violate Student’s rights to a FAPE under Section 504 of the Rehabilitation Act?

**PROCEDURAL HISTORY AND SUMMARY:**

On May 26, 2017, the Monroe Board of Education received a request for a special education due process hearing filed by Attorney for the Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on June 2, 2017. A prehearing conference was set for June 14, 2017. On June 12, 2017, Attorney for the Parents sent an email to the hearing officer indicating that the dispute with the Board had been settled and that Parents were withdrawing their request for a special education due process hearing.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.