

December 8, 2017

Final Decision and Order 18-0178

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Enfield Board of Ed

Appearing on behalf of the Parent:

Attorney Terry Bedard
2389 Main Street
Glastonbury, Connecticut 06033

Appearing on behalf of the Board:

Attorney Christine Chinni
One Darling Drive
Avon, Connecticut 06001

Appearing before:

Jane Ford Shaw, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board deny Student a free appropriate public education (“FAPE”) for the 2016-17 school year?
2. Did the Board deny Student FAPE for the 2017-18 school year?
3. If the Board did not provide Student FAPE for the 2016-17 school year, is Mount Saint John’s School or a similar private special education therapeutic placement the appropriate program?
4. If the Board did not provide and/or offer the Student FAPE for the 2017-2018 school year, should the Board place the Student in the Mount Saint John’s School or a similar private, special education therapeutic program for the 2017-2018 school year?
5. If the Board did not provide and/or offer the Student FAPE for the 2017-18, is 1:1 homebound tutoring appropriate?
6. If the Board did not provide and/or offer the Student FAPE for the 2017-18, should the Student be reimbursed for the tuition and education related expense of the 1:1 homebound tutoring?

7. Is compensatory education an appropriate remedy?
8. If the Board did not provide and/or offer the Student FAPE for the 2016-2017, 2017-2018 school year, did it result in a violation of 504 of the Rehabilitation Act?
9. If the Board did not provide and/or offer the Student FAPE for the 2016-2017, 2017-2018 school year, did it result in a violation of Section II of the ADA?

PROCEDURAL HISTORY/SUMMARY:

The student is entitled to receive a free and appropriate public education in the least restrictive environment as defined in the Individuals with Disabilities Education Improvement Act (“IDEA”) §20 U. S. C. 1401 et seq. and Connecticut General Statutes § 10-76a et seq.

The parents filed the Due Process Hearing Complaint on October 30, 2017. The Hearing Officer was appointed on October 30, 2017. A prehearing conference was held on November 6, 2017. Hearing dates of December 15, 2017, January 4, 2018 and January 5, 2018 were scheduled. The parents withdrew their complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is DISMISSED with prejudice.