

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parents: Attorney Tracey Spencer Walsh
Mayerson & Associates
330 West 38th Street, Suite 600
New York, NY 10018

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District commit substantive and/or procedural violations of the Individuals with Disabilities Education Act (hereinafter "IDEA") resulting in a failure to provide the Student with a Free Appropriate Public Education (hereinafter "FAPE") in the Least Restrictive Environment (hereinafter "LRE") for the 2012-2013 school year by:
 - a. failing to adequately provide Student with paraprofessional support as set out in Student's Individualized Education Program (hereinafter "IEP");
 - b. failing to ensure that Student's paraprofessional was within an adequately close physical proximity to Student;
 - c. failing to adequately train and supervise Student's paraprofessional;
 - d. permitting the District's Case Manager to contribute to Student's increased anxiety;
 - e. failing to adequately communicate with Student's parents;
 - f. failing to address all of Student's areas of deficit; including, but not limited to, organization and other areas of executive functioning, social skills, pragmatic language, anxiety, and fine motor deficits;
 - g. failing to propose a program that is "reasonably calculated" to provide Student with a FAPE in the LRE;
 - h. producing an IEP that contains misinformation regarding the parents' participation, cooperation and/or agreement with the IEP;
 - i. failing to honor federal mandates that "provision" be expressly made in Student's IEP for individualized parent counseling and training as a related service for students who have been diagnosed on the autism spectrum;
 - j. failing to provide any IEP goals for parent training and counseling;
 - k. failing to develop measurable annual goals to meet each of Student's educational needs related to his disability and failing to adequately address all of the Student's unique and individualized needs;

- l. failing to allow Student's Parents meaningful input and participation in IEP development;
- m. engaging in "predetermination" in the IEP development process, precluding any meaningful participation from Student's parents and/or other team members;
- n. failing to consider the full continuum of special education placements and failing to inform Student's parents of options on the continuum;
- o. failing to address Student's self-advocacy deficits;
- p. failing to provide Student with sufficient support from case-manager and school psychologist;
- q. proposing programs that offer no or inadequate supports for school personnel on behalf of Student;
- r. failing to properly and timely fulfill and implement express IEP mandates;
- s. failing to address, adequately or otherwise, incidents of bullying towards Student by other students;
- t. failing or refusing to consider modifications necessary for Student to have a FAPE;
- u. seeking to unilaterally implement a "fading plan" for Student; and/or
- v. focusing on Student's good grades and not Student's real special education needs.

2. If the District has failed to fully implement the Student's IEPs, adequately provide Student with Student's statutory pendency entitlements and/or provide the Student with a FAPE, should the remedy include compensatory education?

SUMMARY:

The due process hearing request was received by the Board of Education on April 11, 2013. A prehearing conference was held on April 26, 2013. Hearing dates were scheduled for May 22, 2013, May 24, 2013 and June 6, 2013. The deadline for the mailing of the final decision and order was confirmed as June 25, 2013. On May 9, 2013, Attorney for the Parents filed an adjournment request. On May 10, 2013, Attorney for the Parents filed a revised adjournment request. In both requests, Attorney for the Parents sought a postponement of the May hearing dates. On May 14, 2013, the request for the adjournment of the May hearing dates was granted. On June 3, 2013, Attorney for the Parents withdrew the pending due process hearing request without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed without prejudice.