

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student and Bethel Board of Education

Appearing on behalf of the Student: Attorney Laura Heneghan
The Law Offices of Dana Johnson LLC
13 Starr Lane
Bethel, CT 06801

Appearing on behalf of the Board of Education: Attorney Rebecca Santiago
Shipman & Goodwin
One Constitution Plaza
Hartford, Ct 06103-1919

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education deny the Student a Free Appropriate Public Education during the 2015-2016 School Year (after May 7, 2016) by discontinuing BCBA support, failing to conduct a functional behavior assessment, failing to consider that the Student's behaviors were impacting his ability to learn, unilaterally changing his placement and/or failing to implement positive behavior interventions and supports?
2. Did the Board of Education deny the Student a Free Appropriate Public Education during the 2016-2017 School Year by failing to provide a measureable social behavior goal, failing to appropriately address the Student's behavior needs, failing to provide the services of a BCBA, failing to conduct a functional behavior assessment, failing to consider that the Student's behaviors were impacting his ability to learn, unilaterally changing his placement, failing to implement positive behavior interventions and supports, failing to conduct a manifestation determination, failing to review and revise the Student's program to address behavior, failing to implement behavior intervention plans and/or failing to formulate appropriate goals and objectives for behavior?
3. Did the Board of Education deny the Student a Free Appropriate Public Education during the 2017-2018 School Year by leveling an unsubstantiated charge that the Student possessed drugs, failing to consider that the Student's behaviors were impacting his ability to learn, unilaterally changing his placement, failing to implement positive behavior interventions and supports, failing to provide special education and related services while the Student was excluded from school, suspending the Student from school in violation of school policy section 5114 (VI), providing a Functional Behavior Assessment dated 10/20/17 that was incorrect, and/or failing to implement the current behavior intervention plan?

4. If so, should the record of unsubstantiated suspension be expunged, should the Student receive compensatory education services, should the Student's program be changed, if the program should be changed, what changes should be made, should the Student be reimbursed for tuition incurred in connection with a unilateral placement, should the Student be placed in a private program, and/or should the Student be reimbursed for attorneys fees?

PROCEDURAL HISTORY:

The Student submitted a request for due process on April 19, 2018. This Impartial Hearing Officer was assigned to determine the case on April 23, 2018. The Board of Education submitted a challenge to the sufficiency of the due process request on April 30, 2018. A Prehearing conference was conducted on May 8, 2018 and a hearing scheduled for June 21, 2018.

An Order granting the sufficiency challenge was issued on May 7, 2018. The Student submitted an amended request for due process on May 17, 2018, thereby establishing the deadline for issuing the final decision as July 31, 2018. The hearing was rescheduled to July 6, 2018. On June 12, 2016, the parties reported that they were in the process of discussing settlement and requested that the July 6, 2018 hearing be cancelled. The request was granted.

On July 11, 2018, the Student reported that matter had been resolved and the Student requested that it be withdrawn or dismissed.

FINAL DECISION AND ORDER:

It is ordered that the Student's request is granted and the matter is dismissed.