

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Trumbull Board of Education

Appearing on behalf of the Student:

Attorney Anne Treimanis
Law Office of Anne Treimanis
161 East Avenue, Suite 104
Norwalk, CT 06850

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Does the statute of limitations bar claims based on events that took place between September 1, 2013 and May 23, 2014?
2. Did the Board of Education offer the Student a free appropriate public education for the 2013-2014 School Year from either September 1, 2013 or May 23, 2014, as may be the case, the 2014-2015 School Year and/or the 2015-2016 School Year including extended school years?
3. If the Board of Education did not offer the Student a free appropriate public education for the 2015-2016 School Year including extended school year, is the program at the Easton Country Day School appropriate?
4. Did the Board of Education fail to properly evaluate the Student from either September 1, 2013 or May 23, 2014, as may be the case, to the present?
5. Did the Board of Education fail to allow parent participation in the IEP process from either September 1, 2013 or May 23, 2014, as may be the case, to the present?
6. Did the Board of Education either provide an independent educational evaluation at public expense or file a request for due process to establish that its evaluation is appropriate from either September 1, 2013 or May 23, 2014, as may be the case, to the present?
7. Did the Board of Education fail to reimburse the Student for evaluations paid for by the Student from either September 1, 2013 or May 23, 2014, as may be the case, to the present?
8. If the response to Issue Number 2, 3, 4, 5, 6 and/or 7 is affirmative, are the following remedies appropriate:
 - a. reimbursement for the expense of and/or placement at the Easton Country Day School, including transportation and extended school years;

- b. reimbursement for the expense of evaluations by Parisee and/or McCarty;
- c. reimbursement for the expense of ACT tutoring and social skills therapy;
- d. unpaid amounts provided in the parties' settlement agreement; and/or
- e. compensatory education services.

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on May 23, 2016. This Impartial Hearing Officer was appointed to hear the case May 24, 2016. A telephonic pre-hearing conference was convened on June 7, 2016. Attorney Anne Treimanis appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision and order is August 5, 2016 and evidentiary hearings were scheduled for July 21, 2016 and August 3, 2016.

On July 11, 2016, the Student reported that the parties reached a tentative agreement and submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to September 2, 2016. The purpose of the requested postponement and extension was to allow the parties time to finalize their agreement. The Board of Education agreed to the requested postponement and it was granted.

On August 22, 2016, the Student requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this matter is dismissed with prejudice.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

ANN F BIRD

Hearing Officer

Name in Print