

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Fairfield Board of Education
Fairfield Board of Education and Student

Appearing on behalf of the Student: Attorney Andrew Feinstein
Attorney at Law LLC
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad St
Fairfield, CT 06825

Appearing before: Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education (BOE) offer the Student a free appropriate public education (FAPE) for the 2011/2012 School Year?
2. If not, what is the appropriate remedy?
3. Did the BOE offer the Student FAPE for the 2012/2013 School Year?
4. If not, what is the appropriate remedy?
5. Is the Student's unilateral placement for the 2012/013 School Year appropriate?
6. Is the Student entitled to an independent psychological evaluation at public expense?

PROCEDURAL HISTORY:

The Student requested a special education hearing on October 19, 2012. This Impartial Hearing Officer was appointed to the case, designated as Case No. 13-0183, on October 19, 2012. A telephonic pre-hearing conference was held on November 2, 2012. Attorney Andrew Feinstein appeared on behalf of the Student and Attorney Michelle Laubin appeared on behalf of the Board of Education.

At that time, a hearing date of December 13, 2012 was scheduled. Subsequently, additional hearing dates of January 11, 2013, January 17, 2013, January 25, 2013, January 29, 2013, January 30, 2013, February 7, 2013, March 11, 2013, March 13, 2013 and March 25, 2013 were scheduled.

Hearings were convened on December 13, 2012, January 11, 2013 and January 17, 2013. On January 8, 2013, the Board of Education requested its own special education hearing

to defend its psychological evaluation of the Student. This Impartial Hearing Officer was appointed to that case as well, designated as Case No. 13-0279. A prehearing conference was conducted in case No. 13-0279 on January 11, 2013. On January 16, 2013, the Impartial Hearing Officer ordered that the two cases, No. 13-0183 and 13-0279 be consolidated for hearing.

At the hearing on December 13, 2012, Hearing Officer Exhibits 1 and 2 were marked and admitted into evidence. In addition, Student Exhibits 1 through 172 were marked and admitted into evidence, as were Board Exhibits 1 through 144. Student Exhibits 173 through 179 were marked and admitted into evidence on January 11, 2013. Student Exhibit 180 was marked for identification on January 17, 2013. The Student's special education teacher for the 2011/2012 School Year testified at the hearing on December 13, 2012 and January 11, 2013. On January 17, 2013, the Student's home program provider testified.

On January 25, 2013 the Student gave notice that the Student and the Board of Education had reached a settlement of the issues in these cases, and the Student requested that Case No. 13-0183 be dismissed with prejudice. On the same day, the Board of Education requested that Case No. 13-0279 be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the requests for dismissal submitted by the Student and the Board of Education are granted, and these cases are dismissed.