

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Parent: Lawrence W. Berliner, Esq.
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Westport, CT 06880

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

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board from November 25, 2013 to the end of the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Was the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Does the unilateral placement of the Student at St. Catherine's School for the 2015-2016 school year provide the Student with a meaningful education?
5. Should the Board be responsible for the cost of the placement and transportation of the Student to St. Catherine's School for the 2015-2016 school year?
6. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

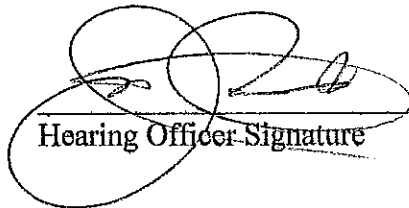
The Student is classified with Intellectual Disability and is entitled to FAPE as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents disagreed with the program the Board offered for the 2015-2016 school year and requested reimbursement for their unilateral placement at St. Catherine's School; the Board denied the request. Notice of due process was received by the Board on November 25, 2015. An impartial hearing officer was appointed on December 2, 2015 and a pre-hearing conference was held on December 4, 2015. In an electronic transmission, the parties informed the hearing officer that the matter had been resolved but requested cancelation of the hearing dates and additional time to finalize the agreement; the hearing dates were cancelled. In an electronic transmission, the parties informed the hearing officer that the agreement had been signed and withdrew the matter with prejudice. The mailing date was extended to June 6, 2016 to accommodate the hearing dates.

FINAL DECISION AND ORDER:

THE 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

Justino Rosado
Hearing Officer Name in Print