

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Meriden Board of Education

Appearing on behalf of the Parent: Attorney Erin R. Shaffer  
New Haven Legal Assistance  
426 State Street  
New Haven, CT 06510

Appearing on behalf of the Board: Attorney Gwen Zittoun  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program offered by the Board for the 2015-2016 school year appropriate and did it provide the Student with FAPE in the LRE? If not;
2. Should the Board place the Student at CREC, Polaris or ACES for the 2015-2016 School year?
3. Did the Board commit a procedural violation by not requesting due process, when the Parent refused to allow the Board to conduct a Functional Behavior Assessment of the Student?
4. Should the Board conduct an FBA of the Student?
5. Is the Student entitled to Compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement 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 Parent rejected the program offered by the Board for the 2015-2016 school year and requested that the Board place the Student at CREC, Polaris or ACES for the 2015-2016 School year at public expense. The Board refused the Parent's request and the Parent filed for due process, notice of which was received by the Board on April 8, 2016. An impartial hearing officer was appointed on April 12, 2016 and a pre-hearing conference was held on April 19, 2016. The Parents agreed to waive a resolution meeting and proceed to mediation. In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the issues and requested that the matter be withdrawn with prejudice. There was no objection by the Board. The withdrawal was granted. The mailing date of the Final Decision and Order is June 22, 2016.

**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