

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Surrogate Parent:

Attorney Jillian Griswold  
Feinstein Education Law Group, LLC  
945 Main Street  
Mystic, CT 06040

Appearing on behalf of the Norwalk Board:

Attorney Michael P. McKeon  
Pullman & Comley, LLC  
90 State House Square  
Hartford, CT 06103-3702

Appearing before:

Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program offered by the Board from March 8, 2014 to the end of the 2013-2014 school year appropriate and did it provide the Student with a free appropriate public education (FAPE) in the least restrictive environment (LRE)
2. Was the program offered by the Board for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Is the unilateral placement of the Student at Darrow School appropriate and does it provide the Student with a meaningful education?
5. Should the Board be responsible for the costs of the unilateral placement and related expenses of the Student at Darrow School for the 2015-2016 school year?
6. Should the Board reimburse the Parents for the educational evaluation performed by Dr. Laura Seese?
7. 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 Parents rejected the program offered by the Board for the 2015-2016 school year and requested reimbursement for their unilateral placement of the Student at Darrow School; the Board Denied the Parents' request. On March 8, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on March 9, 2016 and a pre-hearing conference was held March 16, 2016. The parties agreed to go to mediation on April 27, 2016 in place of a resolution meeting. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties had executed an agreement, and withdrew the request for due process with prejudice. The date for mailing the Final Decision and Order is May 20, 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