

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Attorney Jillian Griswold
Feinstein Education Law Group, LLC
945 Main Street, Ste. 304
Manchester, CT 06040

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 offered by the Board for the 2015-2016 school year appropriate and would it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE?; if not;
2. Did the unilateral placement of the Student at Oxford Academy provide a meaningful education?
3. Should the Board reimburse the Parents for all costs related to their unilateral placement of the Student at Oxford Academy for the 2015-2016 school year?
4. Was the program offered by the Board for the 2016-2017 school year appropriate and would it provide the Student with FAPE in the LRE? If not;
5. Did the unilateral placement of the Student at Oxford Academy provide a meaningful education?
6. Should the Board reimburse the Parents for all costs related to their unilateral placement of the Student at Oxford Academy for the 2016-2017 school year?
7. Should the Board reimburse the Parents for the cost of the evaluation performed by Dr. Harvey?
8. Should the Board reimburse the Parents for the cost of the evaluation performed by Dr. Seese?
9. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired-ADHD 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 disagreed with the program provided by the Board for the 2016-2017 school year. The Parents' requested reimbursement for their unilateral placement at Oxford Academy. The Board refused the Parents request and the Parents filed for due process. On November 27, 2016, the Board received notice of the Parents request for due process. An

February 7, 2017

Final Decision and Order 17-0231

impartial hearing officer was appointed on November 29, 2016 and a pre-hearing conference was held on December 14, 2016. The parties agreed to mediate the matter. The mediation date was January 27, 2017.

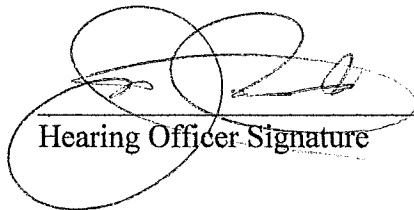
In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the issues and withdrew the matter with prejudice. The mailing date for the Final Decision and Order was extended in order to accommodate the mediation date. The date for the mailing of the Final Decision and Order is February 10, 2017.

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