

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Groton Board of Education

Appearing on behalf of the Parents:

Attorney Courtney Spencer
Law Offices of Courtney Spencer, LLC
100 Riverview Center, Ste. 120
Middletown, Ct 06457

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. Did the Board violate child find in not finding the Student eligible for special education and related services in a timely manner?
2. Was the program provided by the Board for 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)?
3. Did the Board commit a procedural violation by not rescheduling the June 6, 2013 PPT so that the Parents could attend and be meaningful participants?
4. Did the Board commit a procedural violation by conducting an evaluation without the Parents' consent?
5. 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?
6. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
7. Does the program at Thames Academy offer the Student FAPE in the LRE? If so:
8. Should the Board be responsible for the cost of the Student's placement at Thames Academy?
9. Did the Board commit procedural violations by denying the Parents the ability to be meaningful participants at the PPT by conducting a PPT on February 18, 2015 without their presence?
10. Did the Board commit procedural violations by predetermining the Student's educational program?
11. 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 Statutes §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents rejected the program provided by the Board for the 2015-2016 school year. The Parents requested placement of the Student at Thames Academy. The Board refused the Parents' request.

On July 13, 2015, the Board received notice of the Parents' request for due process. The Student was over the age of eighteen and had appointed his Parents to proceed on his behalf. The parties agreed to forego a resolution session and proceed to mediation. The mediation date was pending.

An impartial hearing officer was appointed on July 10, 2015 and a pre-hearing conference was held on July 15, 2015. In an electronic transmission, the Parents' attorney informed the hearing officer that the matter was resolved but additional time was needed to ratify the agreement. In an electronic transmission the Parents' attorney withdrew the matter with prejudice. The date for the mailing of the Final Decision and Order was extended to accommodate the hearing date and the ratification of the agreement. The date for mailing the Final Decision and Order is November 24, 2015.

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