

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner  
Law Offices of Lawrence W. Berliner, LLC  
1720 Post Road East, Ste. 214 E  
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 offered by the Board for the 2012-2013 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 offered by the Board for the 2013-2014 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the graduation of the Student at the end of the 2013-2014 school year appropriate? If not;
4. Should the Board reimburse the Student for his unilateral placement at Thames School for the 2014-2015 school year?
5. Does the Student require an extended school year (ESY) for the summer of 2014 at Maplewood, in order to receive FAPE?
6. Should the Board reimburse the Student for his unilateral placement at Maplewood for the summer of 2014?
7. Should the Board reimburse the Student for the independent education evaluation performed at Seed Center?
8. 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 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. The Student is over the age of eighteen. On January 28, 2014, the Student gave power of attorney to his Parents to make any and all educational decisions.

At a planning and placement team (PPT) meeting, the Parents as attorneys-in fact were in disagreement with the graduation of the Student and requested an additional year of special education and related services. The Board refused the Parents' request.

On June 17, 2014, the Board received notice of the Students' request for due process. The parties agreed to go to a resolution meeting.

An impartial hearing officer was appointed on June 18, 2014 and a pre-hearing conference was held on June 25, 2014. Hearing dates of August 19 and 29, 2014 were chosen by the parties. In an electronic transmission, dated August 4, 2014, the Students' attorney advised the hearing officer that the parties were able to resolve the issues but requested additional time to prepare and ratify the agreement. The parties requested that the hearing dates be cancelled. The request was granted.

On September 21, 2014, the Parents' attorney advised the hearing officer that they were not able to ratify the agreement and a new hearing date was issued. The new hearing date on this matter was October 10, 2014. On October 3, 2014, the Parents' attorney advised the hearing officer that the matter had been resolved and requested that the matter be withdrawn with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the hearing date. The date for mailing the Final Decision and Order is October 24, 2014.

**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