

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents:      Attorney Andrew Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, Ct 06355

Appearing on behalf of the Board:      Attorney Michelle C. 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 2011-2012 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 2012-2013 school year appropriate and did it provide FAPE in the LRE?
3. Is the program offered by the Board, for the 2013-2014 school year, appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Is the program at Speech Academy for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE?
5. Should the Board reimburse the Parents for the Student's independent educational evaluation performed by Dr. Melissa Olive?
6. Should the Board reimburse the Parents for the Student's educational evaluation performed by Dr. Nancy Schwartz?
7. Should the Board reimburse the Parents for their unilateral placement of the Student at Speech Academy from March 1, 2013 to the end of the 2012-2013 school year and did it provide the Student with FAPE?
8. Should the Board reimburse the Parents for their unilateral placement of the Student at Speech Academy 2013-2014 school year and did it provide the Student with FAPE?
9. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Autism 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 2013-2014 school year. The Parents requested placement at the Speech Academy for the 2013-2014 school year. The Board refused the Parents request.

On August 28, 2013, the Board received notice of the Parents request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was October 11, 2013.

An impartial hearing officer was appointed on August 28, 2013 and a pre-hearing conference was held on August 30, 2013. A hearing date of November 5, 2013 was chosen by the parties.

In an electronic transmission, the parties requested that the hearing officer cancel the November 5, 2013 hearing date. The request to cancel the hearing date was granted and a November 26, 2013 hearing date was chosen for the matter.

At the November 26, 2013 hearing date the parties informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice.

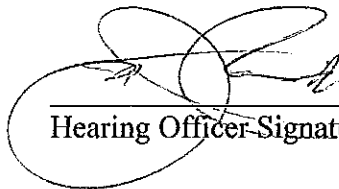
The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is December 11, 2013.

**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).



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Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print