

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Wolcott Board of Education

Appearing on Behalf of the Surrogate Parent: Attorney Sarah Healy Eagan  
Greater Hartford Legal Aid, Inc.  
999 Asylum Ave., 3<sup>rd</sup> Fl.  
Hartford, CT 06105

Appearing on Behalf of the Board: Attorney Craig Meuser  
Chinni & Meuser LLC  
30 Avon Meadow Lane  
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the evaluations performed by the Board appropriate? If not;
2. Is the Student entitled to an independent educational evaluation at the Board's expense?
3. Is the Student entitled to receive special education and related services as defined in The Individuals with Disabilities Education Improvement Act (IDEA)? If yes;
4. Is the program proposed by the Board for the 2011-2012 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
5. Does the therapeutic day program at Whitney Hall provide the Student with FAPE in the LRE?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has not been identified as entitled to receive FAPE as defined in 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 Surrogate Parent rejected the evaluation performed of the Student by the Board. The Surrogate Parent requested an independent educational evaluation and that the Student be identified as eligible to receive special education and related services as defined in IDEA. The Board refused the Surrogate Parent's request and filed for due process on February 23, 2012. On February 27, 2012, the Surrogate Parent filed for due process alleging that the Student should be identified as eligible to receive FAPE; on the same date, the Board received notice of the Surrogate Parent's request for due process.

The Surrogate Parent's attorney filed a Motion to Consolidate the two matters. The Board did not object to the Motion to Consolidate. On March 4, 2012, the matters were consolidated. The consolidation altered the timeline of the request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on February 27, 2012 and a pre-hearing conference was held on March 8, 2012. Hearing dates of May 31 and June 6, 2012 were chosen by the parties.

In an electronic transmission, the Surrogate Parent's attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter will be withdrawn with prejudice, but the parties needed additional time to formalize the agreement. On June 12, 2012 the Surrogate Parent's attorney advised the hearing officer that the agreement had been ratified and the matter was withdrawn with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is June 18, 2012.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**