

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

East Lyme Board of Education v. Student

Appearing on behalf of the Surrogate Parent:

Attorney Kevin Coles  
Coles, Baldwin & Kaiser, LLC  
One Eliot Place, 3<sup>rd</sup> Floor  
Fairfield, CT 06824

Appearing on behalf of the Board:

Attorney Leander Dolphin  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before:

Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the program provided by the Board for the 2015-2016 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;
2. Does the Student require 30 hours of weekly services with Project Genesis?
3. 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 (OHI-ADHD) and is entitled to receive FAPE as defined in the Individuals with Disabilities Education 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 Surrogate Parent rejected the program provided by the Board for the 2015-2016 school year. The Surrogate Parent requested 30 hours of weekly services with Project Genesis; the Board refused the Surrogate Parent's request.

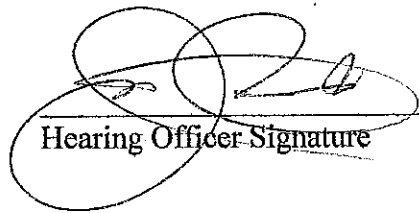
The Board received notice of the request for due process on October 28, 2015. An impartial hearing officer was appointed on October 29, 2015 and a pre-hearing conference was held on November 3, 2015. In a letter, the Surrogate Parent's attorney informed the hearing officer that they were able to resolve the matter in mediation and withdrew the matter. The mailing date for the Final Decision and Order is January 11, 2016.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED.**

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