

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown 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 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. 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;
3. Is the program at Eastern Country Day School for the 2013-2014 school year appropriate and does it provide the Student with a meaningful education?
4. Should the Board reimburse the Parents for the Student's independent educational evaluation performed by Dr. Laura Seese?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at Eastern Country Day School from April 13, 2013 to the end of the 2012-2013 school year and did it provide the Student a meaningful education?
6. Should the Board reimburse the Parents for their unilateral placement of the Student at Eastern Country Day School 2013-2014 school year?
7. Did the Board violate child find in not identifying the Student as requiring special education and related services in a timely manner?
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 Statute §10-76a et seq.

April 28, 2014

Final Decision and Order No. 14-0384

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 Eastern Country Day School for the 2013-2014 school year. The Board refused the Parents request.

On February 21, 2014, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter.

An impartial hearing officer was appointed on February 24, 2014 and a pre-hearing conference was held on March 3, 2014. A hearing date of April 30, 2014 was chosen by the parties.

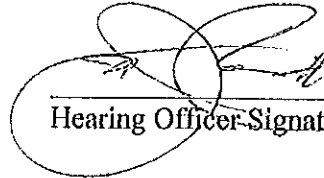
On April 24, 2014, the Parents' attorney informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice. The date for mailing the Final Decision and Order is May 7, 2014.

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