

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parents:

Attorney David C. Shaw
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34 Jerome Ave., Suite 210
Bloomfield, CT 06002

Appearing on behalf of the Board:

Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Ave.
Stamford, CT 06901-3522

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the IEPs for the Student for the summer 2010 and the 2010-11 school year were appropriate;
2. Whether the Board violated the Student's and Parents' rights under the IDEA by failing to hold PPT meetings and develop IEPs for the summer 2011 and the 2011-12 school year;
3. Whether the special education programs provided by the Center for Growth and Development during the summer 2010, summer 2011, and the 2010-11 and the 2011-12 school years were/are appropriate;
4. Whether the Board violated the rights of the Student by failing to pay for evaluations completed by Dr. Mayville, Dr. McCarton and Lori Overland and the other assessments discussed at the October 26, 2010 PPT meeting;
5. Whether the Board shall place the Student at the program developed at the Center for Growth and Development and the Holy Spirit School;
6. Whether the Parents shall be reimbursed for services provided to the Student since the summer 2010, including tuition at Holy Spirit School and the other expenditures related to the Student's education;

7. Whether the Parents shall be reimbursed for the evaluations conducted by Dr. Mayville, Dr. McCarton and Lori Overland, and the other assessments discussed at the October 26, 2010 PPT meeting;
8. Whether the Student is entitled to compensatory education in the form of a one year placement, including the summer program, at the Center for Growth and Development, or other appropriate compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on September 9, 2011 and a prehearing conference convened on September 16, 2011. The parties agreed to mediate this case.

On October 21, 2011 the hearing convened, with a Mandarin translator present to assist the Mother in understanding the proceedings. At the hearing, counsel for both parties were provided additional time to attempt to resolve the case, and then requested that the case continue to the next hearing date for the parties to finalize the settlement. On November 3, 2011 the Parents' attorney submitted notification that this matter was settled and that the Parents were withdrawing their request for due process with prejudice. While this was not a timely submission of notification to the hearing officer to cancel the November 4, 2011 hearing date in accordance with the instructions to the attorneys, in light of the extensive power outages and wires, trees and limbs down due to the powerful storm, the late submission was accepted. The November 4, 2011 hearing was cancelled, and this case is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.