

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Avon Board of Education

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Appearing on behalf of the Board: Attorney Craig S. Meuser  
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Appearing before: Attorney Mary Elizabeth Oppenheim  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Student should be identified as a Student with an Emotional Disturbance.
2. Whether the programs offered by the Board for the 2001-2002 and 2002-2003 school years were appropriate for the Student.
3. If not, whether the Parents' placement of the Student at DeSisto School for the 2001-2002 and the 2002-2003 school years is appropriate.

**PROCEDURAL HISTORY:**

The Parents requested this hearing on July 9, 2002. The mailing date of the decision was initially extended so that the parties could submit the matter for mediation. Further extensions of the mailing date of the decision were granted at the request of both parties, based on assertions that additional hearing dates were required for the presentation of their case.

The hearing was held on August 6, September 12, October 1, October 17, October 21, October 23, November 7 and November 20. The Parents' counsel and Board's counsel submitted briefs by January 10.

The Parents' witnesses were the Mother; Gregory Steinbach, academic director of DeSisto School; the Father; the Student, Marcus Pritchett, residential supervisor for DeSisto School and psychologist Gary S. Zachariah, Psy.D.

The Board's witnesses were Arthur Shahverdian, Board Guidance Counselor; Al Dadario, Board Special Education Teacher; Linda Dadario, Board Social Worker; Joseph Nietupski, Board School Psychologist; Lawrence Sparks, Board Vice Principal and William Hickey, Board Director of Pupil Services.

To the extent that the procedural history, summary and findings of fact actually represent conclusions of law, they should be so considered, and vice versa. Bonnie Ann F. v. Callallen Independent School Board, 835 F. Supp. 340 (S.D. Tex. 1993)

### **SUMMARY:**

In mid-September 2001, the Parents unilateral placed the Student at DeSisto School after a summer marked by a tumultuous Parent/Student relationship which included three to five runaway incidents and the Student's promiscuous behavior with a male student from Hartford who attended the Board high school under the Project Choice program. While the Parent/Student relationship difficulties were also present in the 2000-2001 school year, the Student had progressed well in her academic program, and received educational benefit from her participation in the resource room program which was part of her Individualized Educational Program as she previously had been identified as Other Health Impaired due to her ADD diagnosis.

The Parents sought reimbursement for the unilateral placement of the Student at DeSisto School since September 2001, and requested that the Student be identified as having a Serious Emotional Disturbance.

### **FINDINGS OF FACT:**

1. The Student is 17 years old, and is currently in her second year of attending DeSisto School in Stockbridge, Massachusetts. The Parents unilaterally placed the Student in this private school in September 2001.
2. The Student attended the Board schools in her fifth grade year, and continued at the Board schools through her eighth grade year. [Testimony Mother]
3. The Student attended Cheshire Academy, a private school in Connecticut from September to December 1999 for the beginning of her ninth grade year. After the Student received grades of incomplete and Fs at Cheshire Academy, the Parents withdrew her from Cheshire Academy and enrolled her at Avon High School in December 1999. [Testimony Mother]

4. Shortly after the Student reentered the public high school in January 2000, the Parents requested a Planning and Placement Team [“PPT”] meeting to determine whether the Student was eligible for special education and related services due to a diagnosis received from a psychologist that the Student met the diagnostic criteria for Attention Deficit Disorder. [Testimony Mother, Exhibit B-8]
5. At the January 13, 2000 PPT meeting, the Board and Parents agreed to a diagnostic placement in special education, which included one Learning Center [resource room] class per day at Avon High School, for five days per week. [Testimony Al Dadario]
6. The PPT reconvened on February 11, 2000, and agreed that the Student was eligible for special education and related services, with an Other Health Impaired identification, due to her Attention Deficit Disorder. The Student’s Individualized Educational Program [“IEP”] for the second half of her ninth grade included five Learning Center periods per week to improve organizational skills, improve study skills and develop work habits. [Testimony Mr. Dadario, Exhibit B-13]
7. The Student’s grades remained consistent throughout the remainder of ninth grade. [Testimony Mother] At the conclusion of ninth grade, the Student received the following grades for the second semester: A- in Spanish, B+ in Learning Center, B in World History, B- in Earth Science and a C in Algebra I, English and Health. [Exhibit B-7] The Parents were pleased with the Student grades, and the teachers’ comments had improved. [Testimony Mother]
8. At a PPT meeting held in May 2000, an annual review of the Student’s program was conducted, and the Student’s IEP included goals to improve study skills and develop work habits. It was also recommended that the Student enroll in some Phase 6 classes, which were in the mid-range of the high school’s college preparatory courses.<sup>1</sup> [Testimony Mr. Dadario, Mr. Shahverdian, Exhibit B-15]
9. The Student progressed in her academic program during the 2000-2001 school year. She received educational benefit from her participation in the Learning Center, had a good relationship with her Learning Center teacher, and discussed attending college with her Learning Center teacher. [Testimony Mr. Dadario]
10. During the 2000-2001 school year, the Student had many male and female friends from the Hartford area who participated in the Project Choice program at Avon High School. [Testimony Mr. Dadario]
11. In the spring 2001, the Student’s grades declined in the third marking period. [Exhibit B-16] During this time, the Student’s father had a recurrence of his lymphoma, which caused her distress. [Testimony Student, Dr. Zachariah, Mother, Mr. Nietupski] During this time, the Student and parents began to experience relationship difficulties due to the Student’s relationship with a male student from

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<sup>1</sup> The high school has three levels of college preparatory classes: Phase 5, Phase 6 and Phase 7, which are increasingly more complex.

Project Choice. [Testimony Mother, Father, Student] Near the end of the Student's tenth grade year, the Parents became aware that the Project Choice student was attending the Learning Center Class, although he was not enrolled in it. The Father discussed his concerns regarding the Student's romantic relationship with the Project Choice Student with the Learning Center teacher, and, after the teacher learned of the nature of the relationship between the student and the Project Choice Student, the teacher no longer permitted the Project Choice Student in the classroom. [Testimony Father, Mr. Dadario]

12. The Student performed well in her academic classes at the Board High School and on the Connecticut Academic Performance Test [CAPT] in the spring 2001, exceeding or almost meeting goal on each section. [Exhibit B-45] On the CAPT, the Student scored 12 points above goal in Mathematics and 29 points above goal in Reading Across Disciplines. [Exhibit B-45] She received a score one point below goal in writing and a score four points below goal in science. [Exhibit B-45]
13. The CAPT measures the student's progress and academic performance in basic core content areas to determine the student's achievement levels and to identify areas where the student is strong or might need additional work. If a student scores at or above goal, it means their academic achievement is strong in those areas. It is unusual for a student at Avon High School to score at or above the state goal in all four test areas of the CAPT. The Student's CAPT scores reflect that she was making good progress in her academic program at Avon High School. [Testimony Mr. Shahverdian]
14. Despite the Parent/Student conflict, the Student's grades improved at the conclusion of the 2000-2001 school year. Her final semester grades were: Algebra B, English A, Art C-, Biology C-, Learning Center A-, Physical Education P, World History C-, and Spanish B-. [Exhibit B-16]
15. Prior to the conclusion of the 2000-2001 school year, the PPT met for annual review of the 2000-2001 program, and to plan a program for the 2001-2002 school year on May 31, 2001. The PPT agreed on the goals and objectives for the next academic year, which included organizational and study skills goals, and self-advocacy skills. The program planned to include five periods of instruction in the Learning Center. The Parents agreed with the 2001-2002 IEP, and did not raise an objection to the IEP at the time of the meeting, nor during the summer of 2001 or September 2001 when they withdrew her from the Board high school. [Exhibit B-18]
16. The Student's IEP also included a guidance goal for the Student to participate in the eleventh grade developmental guidance program and services. [Testimony Mr. Shahverdian, Exhibit B-18]
17. If the Student had remained at Avon High School for the 2001-2002 school year, she would have participated in college preparatory classes such as Junior English, United States History, Mathematics, Science and Spanish. [Testimony Mr. Shahverdian]

18. In the summer 2001, the Student's relationship with her Parents was tumultuous. The Student ran away 3 to 5 times over the summer, and was engaged in disruptive and promiscuous behavior with the Project Choice Student. [Testimony Father, Student] The treating psychologist opined that the Student was acting in an obsessive manner with the Project Choice Student. [Testimony Dr. Zachariah]
19. During the summer 2001, after one running away incident, the Student told her Parents that she was pregnant with the Project Choice student's child. The Parents took her to Hartford Hospital, where it was confirmed that the Student was not pregnant. Due to her presenting behavior at Hartford Hospital, the doctor recommended that the Student be admitted into a psychiatric facility for evaluation, and the Student was transported to Natchaug Hospital. [Testimony Father]
20. The Natchaug Hospital admission lasted from August 5 to August 9, 2001, and the Student was discharged with a diagnosis of Adjustment Disorder, Oppositional Defiant Disorder, and Attention Deficit Hyperactivity Disorder. [Exhibit P-4]
21. In late August 2001, just prior to the commencement of the 2001-2002 school year at Avon High School, the Student was admitted to the Saint Francis Hospital's partial hospitalization program [PHP] for assessment and for stabilization of impulse control, oppositional behavior and family conflict. [Exhibit P-2] The Student received a Global Assessment of Functioning [GAF] score of 40 upon her admission to the St. Francis program, and received a GAF score of 60 approximately three weeks later upon her discharge from the program. [Exhibit B-47] The 20 point increase in the Student's GAF score indicates that she was at a functioning level at the time of discharge, according to the school social worker. The social worker holds a MSW degree, and is a licensed clinical social worker, with substantial experience in working with adolescents at a clinical day program and an inpatient unit of a psychiatric institute. [Testimony Ms. Dadario]
22. At this time, the Student's treating psychologist, Dr. Zachariah discussed program options with the Parents. The psychologist was worried that the Student could not be contained, and discussed a long-term placement for the Student. The psychologist was never involved in a recommendation for a long-term placement for any child prior to this, and was not familiar with any programs. He recommended that the Parents search for some program in the United States, and never recommended a particular program. [Testimony Dr. Zachariah]
23. The Parents searched for boarding schools, and after a visit to the DeSisto School, they decided to enroll the Student at DeSisto. [Testimony Father]
24. At the end of August, the Father contacted the Superintendent of Schools. In their telephone conversation, the Father noted his concern regarding the Board's decision to bus inner city students into the Avon Public Schools. [Testimony Father, Dr. Hickey] At the end of the telephone conversation, the Superintendent referred the

Father to Dr. Hickey, the Director of Pupil Services, because the Father had mentioned DeSisto School, and the director had prior knowledge of DeSisto School. [Testimony Father]

25. Dr. Hickey spoke with the Father by telephone at that time, and, when asked his opinion of DeSisto School indicated that he “wouldn’t send my dog there.” Dr. Hickey noted in that conversation that he had heard many negative comments from Massachusetts special education directors about DeSisto, and he was aware of a negative experience of an Avon family that had withdrawn their son from DeSisto School. [Testimony Dr. Hickey]
26. Dr. Hickey had no prior experience with the Student at the time of the conversation, and did not believe that a PPT needed to be convened to address the parental concerns about the Student’s promiscuity or running away from home over the summer. [Testimony Dr. Hickey]
27. In fall 2001, when the Mother and Father spoke to Avon school officials and staff members, they focused on monitoring the Student’s relationship with the student from Project Choice, (a Hispanic boy from Hartford.) [Testimony Father, Mr. Sparks, the Student, Mrs. Dadario, Mr. Dadario]
28. The Mother spoke with the guidance counselor regarding the family’s ongoing concerns with the Student’s relationship with the Project Choice student at the beginning of the 2001-2002 school year. The Mother had concerns about the boy’s ethnic background and the fact that he was from Hartford, not from Avon. In that conversation, the Mother noted her concerns about all of the students from Hartford participating in the Project Choice Program at Avon High School, and that she wanted Avon to separate the Project Choice student and the Student. [Testimony Mr. Shahverdian]
29. According to the guidance counselor, it is often difficult to try to separate students from each other in the hallways, classrooms and lunch room at Avon High School. [Testimony Mr. Shahverdian] Nevertheless, the Avon High School Vice Principal Larry Sparks heightened his awareness of the Student’s whereabouts in the hallways and discouraged the Student and the Project Choice student from displays of affection beyond what is acceptable. [Testimony Mr. Sparks]
30. At the beginning of the school year 2001-2002, after the Parents spoke with the Learning Center teacher and his wife, an Avon High School social worker about their concerns regarding the Student, the Learning Center teacher began the process of planning a PPT meeting to review the Student’s program. The Learning Center teacher told the Parents that he was planning such a meeting. [Testimony Mr. Dadario]
31. While the Parents asked the social worker, Ms. Dadario, about the Alternative Learning Program, a self-contained program at Avon High School which they thought

could be used to monitor the Student's relationship with the Project Choice student, the Parents did not ask the social worker to have the Student placed in the ALP program in September 2001. [Testimony Ms. Dadario]

32. In September 2001, the Vice Principal contacted the Social Worker, and requested that she contact the Parents regarding their concerns about the Student. [Testimony Mr. Sparks, Ms. Dadario] The Social Worker met with the Student, and the Student made commitments with the Social Worker on meeting with her in the future. The PPT had not yet been convened, but this informal commitment was made prior to the PPT to address the Parents' concerns about the Student. The Parents also agreed to have the Social Worker contact the treating provider at the St. Francis program, and the social worker contacted Dr. Weiner on September 11. Dr. Weiner of the St. Francis program indicated that the Student was scheduled to continue in the PHP program. [Testimony Ms. Dadario, Exhibit P-5]
33. On September 12, the Board mailed a notice of the PPT meeting, scheduled for September 26, to the Parents. [Testimony Mr. Sparks, Exhibit B-20]
34. According to the Vice Principal, the attendance activity tracker covering the nine school days that the Student was enrolled at Avon High School during the 2001-2002 school year showed that the Student had cut class one time on September 4 and September 7, and two times on September 10. [Testimony Mr. Sparks]
35. On September 14 the Parents signed the Student out of school and told her they were taking her to DeSisto School for an interview. [Testimony Father] No evidence submitted, nor testimony given indicates that Parents provided any notice to the Avon Schools that they intended to enroll the Student in a private school at public expense prior to withdrawing her from Avon High School. This withdrawal from Avon School occurred prior to the scheduled PPT, and in the first few weeks of school. No testimony or evidence indicates that the Student was having any significant behavior problems at school during September 2001, prior to the Student's removal from the school. Rather, there were a few class cuts. At this time, the Board was responsive to the Parents' concerns, and had already arranged for the Social Worker to meet with the Student, and had scheduled a PPT.
36. The Parents deceived the Student about her actual enrollment at DeSisto School. [Testimony Student] On Friday, September 14, the Student was driven up to DeSisto School to meet with the Admissions Director. The Student was unaware that her Parents had already packed her belongings and placed them in the car's trunk, or that her Parents and DeSisto representatives intended on keeping her at DeSisto School commencing on that day. [Testimony Father] When the Student told the Admissions Director that she needed a couple of weeks to think about whether she would enroll at DeSisto, the Admissions Director pressed a button under her desk to contact Mr. Pritchett. [Testimony Mr. Pritchett] Shortly thereafter, Mr. Pritchett entered the Admissions office with three female students. Mr. Pritchett told the Student that she was staying at DeSisto School. When the Student heard that she was going to remain

at DeSisto, she threw her chair back. Mr. Pritchett then restrained the Student, and told the Student to say goodbye to her Parents. The Student begged her Parents to please take her home, and placed her arms around her Mother. The Student was directed to let her Mother go, and she crumpled to the floor, and was taken away. When the Parents returned to Avon, they called the Board and said they were withdrawing the Student from school to keep her safe. [Testimony Father]

37. DeSisto employs only one teacher certified in special education, one guidance counselor and one licensed marriage and family counselor on staff for their program, characterized as a college preparatory school. Only some of the DeSisto School teachers are certified to teach in the State of Massachusetts. La Mariposa, an outside agency, contracts with DeSisto to provide counseling services to enrolled students. [Testimony Mr. Steinbach]
38. Mr. Steinbach, who has a B.A. degree in Chemistry and a M.S. Science degree in curricular education, but no degree in counseling, or certification as a special education teacher, is the academic director at DeSisto School. [Testimony Mr. Steinbach] Marcus Pritchett, who does not possess a four year college degree, is the residential supervisor at DeSisto School. [Testimony Mr. Pritchett]
39. A student vacation request at DeSisto must be approved by the following groups of people: (a) student's dorm peers; (b) student's dorm counselors; (c) student's residential counselors, (d) residential director, (e) head master, (f) executive director of DeSisto School and (g) members of the parents group. [Testimony Mr. Steinbach] In October, 2002, more than one year after the Student was placed at DeSisto School, she and her Parents finally commenced the detailed planning process for requesting permission from DeSisto School administrators, staff members, students and parents for the Student to leave campus and visit home. [Testimony Father] Prior to October 2002, the Student had no desire to return home during an academic break period or during a weekend to visit her family in Avon, and she did not do so. [Testimony Student]
40. Mr. Shahverdian, the Director of Guidance for the Avon Public Schools, who has an M.S. degree in counseling and a sixth year degree in Curriculum and Supervision, and has been a public high school guidance counselor for 32 years, testified that the academic program at the DeSisto School is "sketchy" at best. [Testimony Mr. Shahverdian, Exhibits P-7, P-9] Students at DeSisto take three academic classes every eight weeks during the school year. According to DeSisto, each eight-week period, or "dime" is the equivalent of one semester of high school work.<sup>2</sup> Students are encouraged to try a semester of a typical year long course for a "dime" and decide for themselves if they are going to complete the course in the next dime. Students are given letter grades of A, B, C and F; there are no C- or D letter grades. If a student

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<sup>2</sup> According to the Academic Director of DeSisto, the term "dime" replaces the terminology "quarter" usually used in academic settings.



does not earn a C in a class he or she is provided an incomplete grade until the student satisfactorily masters the material. [Testimony Mr. Steinbach]

41. The Student, who does not meet with the only special education teacher at DeSisto School, made sporadic academic progress during the 2001-2002 school year at DeSisto School. [Testimony Mr. Steinbach, Student] During the first dime of the 2001-2002 school year, the Student received an incomplete in Geometry A, a B+ in American History, and a failing grade in Self Development through Compassion. [Exhibit P-7] In her second dime, the Student took Geometry B, despite receiving the incomplete in Geometry A during the first dime, and received a C+. She continued on with American History, and failed to receive any credit in it, and she received a P in Self Development through Compassion, which she failed in the first dime. In the January Workshop, the Student received a B in American History, but did not receive any credit for the Performing Arts Intensive class. [Exhibit P-7] In the third dime, the Student passed all of her classes, one of which she had already taken at Avon High School. [Exhibit P- 7] The Student passed Witchcraft, World Literature A, and Algebra IB, which she had completed in the fall of her 10<sup>th</sup> grade year at Avon High School. The Student should have taken Algebra IIB during this dime, the standard course for students like her who had successfully completed Algebra IA and IB, and Algebra IIA. [Testimony Mr. Shahverdian, Exhibit B-16] The Student received grades of check minus for her “less than full effort” for four weeks of the third dime. [Exhibit P-7] In the fourth dime, the Student took General Science B, British Literature A, and World Literature B and received a B+ in two classes and a grade of C+ in the third. [Exhibit P-9] Finally, the Student received a grade of P for her participation in an eight-week dinner theatre program in the summer of 2002. [Exhibit P-10]
42. According to the Academic Director, DeSisto School did not conduct any initial assessment of the Student in 2001 to create a baseline level of her emotional needs, because they look to credit count because they are a college preparatory school. [Testimony Mr. Steinbach]
43. DeSisto School did not make any attempts during the 2001-2002 school year to track the Student’s behavior over the course of each week or month because “the school’s concept is a college preparatory school and to normalize that as much as possible rather than being a treatment facility which would keep that kind of documentation.” [Testimony Mr. Steinbach]
44. The Student’s therapist at DeSisto School never created a written document for review by DeSisto staff members or the Parents regarding her progress, or lack thereof, during her 2001-2002 school year sessions. [Testimony Mr. Pritchett]
45. Family counseling for the Student and her Parents during the 2001-2002 school year at DeSisto School consisted of two family weekends, in October 2001 and May 2002. At the initial family weekend, nine to ten sets of parents and nine to ten DeSisto students met with four therapists to discuss relevant issues. [Testimony Father] In the May session, three therapists worked with five sets of parents and five students. [Testimony Student] Since the Student’s last therapeutic session with Dr. Zachariah

and her Parents in August of 2001, she has not had a single therapeutic meeting between herself, a therapist and her Parents. [Testimony Student, Father, Mother]

46. The Board school psychologist learned about the DeSisto School's counseling program through his prior involvement with an Avon High School student who was unilaterally placed at DeSisto by his parents for approximately one year. According to the Board school psychologist, DeSisto School uses peer pressure to reshape student behaviors instead of using extensive cognitive psychotherapy to address the underlying rationale for a child's overt behaviors. [Testimony Mr. Nietupski] In the psychiatric evaluation completed in April/May 2002, Dr. Krulee agreed that the Student's external behavior had changed considerably since being contained at DeSisto School and being removed from her home and the community in which her promiscuous activities occurred, but the Student's internal psychological structure had not changed at DeSisto. [Exhibit B-37]
47. DeSisto School did not create service plans for any of its students during the 2001-2002 school year. [Testimony Mr. Steinbach] Service plans were a new procedure for DeSisto, and DeSisto had been trying to create all of the sixty or more students' service plans in a short period of time. [Testimony Mr. Pritchett]
48. The Student's service plan for the 2002-2003 school year focuses on the elimination of risk-taking behavior such as running away and physical relationships with boys. [Testimony Student]<sup>3</sup> The Student's parents did not participate in the creation of her individual service plan at DeSisto School for the 2002-2003 school year nor had her Parents seen a copy of her individual service plan before the September 12, 2002 hearing. [Testimony Mr. Steinbach, Father]
49. The Student participated in an eight-week dinner theater program at DeSisto School in the summer of 2002. [Testimony Father, Mr. Steinbach] This summer program is not part of the 2001-02 school year at DeSisto School. [Testimony Mr. Steinbach]
50. DeSisto School *contained* its students through various methods during the 2001-2002 school year.

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<sup>3</sup> The record is replete with parental and provider concerns regarding the Student's physical relationships with boys. Mr. Steinbach, the Academic Director of DeSisto indicated that he was aware of these concerns. Consequently, Mr. Steinbach's testimony on his relationship with the student was troubling. When asked about whether he knew the student, he indicated that "... I've been involved with her regularly, I mean, we sort of have a little game we do where I squeeze the back of her arm like this, she has a little pudgy spot and I squeeze it. She always says, don't squeeze my back, don't squeeze my back. And so we have this little game that we do and but we, you know, we're connected and chat periodically." When asked whether he saw the Student around campus, Mr. Steinbach further indicated "... we have this little game when I go up and squeeze the back of her arm and she says, oh, stop that. And she pokes me in the gut and says I'm fat. And so that's out little game." This flirtatious "game" seems inappropriate for the academic director to engage in with a vulnerable student in this purported therapeutic community. An academic director of such a school should be sensitive to the manner in which he relates to the students. Mr. Steinbach's testimony indicates that he lacks such sensitivity.

1. Monitoring and opening of certain incoming and outgoing mail. [Testimony Mr. Steinbach, Mr. Nietupski, Exhibits B-41, B-42];
  2. “Dorm farming” students - restricting all of the students who live in the same dorm to spend entire days, weeks or months in their dorms for the majority of each day for acts of misconduct by one or more members of the dorm group. [Testimony Mr. Steinbach, Student, Mr. Nietupski, Exhibits B-41, B-42];
  3. Requiring students to walk close enough to each dorm group member to be able to reach out and touch the other group member’s hands when they travel to meals, to classes, and to school meetings. [Testimony Student];
  4. Having dorm residents participate in the practice referred to as shifting. Shifting is when dorm group members sleep on their own mattresses outside the front of the door of a student in their dorm who is suspected of being a runaway threat in order to prevent the student from running away in the middle of the night or injuring him or herself in the middle of the night. [Testimony Mr. Steinbach, Exhibits B-41, B-42]
  5. Preventing students from leaving any school building on campus to meet with a visitor, such as a school district evaluator, unless they are escorted to the scheduled meeting by a DeSisto School staff member. [Testimony Mr. Nietupski];
  6. Cornering students – placing them in a specific setting for “time-out” purposes. [Testimony Mr. Steinbach, Exhibits B-42, B-42]
  7. Strip searching students. [Testimony Mr. Steinbach]
  8. Having enrolled students help staff members restrain their fellow students. [Testimony Mr. Steinbach]
51. According to DeSisto’s Academic Director, “dorm farming” at DeSisto School is analogous to placing a student in a public school setting in an in-school suspension room. One of the purposes of dorm farming an entire dorm is to teach the students within the dorm group how to function as a team, as a group. Once the students learn how to work together as a team they can then be unrestricted. [Testimony Mr. Steinbach]
52. According to the Student, being dorm farmed means the students are forced to spend the entire day at the dormitory with the dorm peers and the students can’t talk to anyone. [Exhibit B-32] More specifically, when a single dorm is dorm farmed, all the students eat their meals at the dorm instead of the dining room, all the students receive academic lessons in the dorm instead of in the classroom buildings, the dorms are generally quiet because students are only allowed to talk to other people within

their dorm, and students spend approximately 22 of the 24 hours in a day in their respective dorms. [Testimony Student] When the Student was dorm farmed in September 2001 she was not allowed to make phone calls to her Parents. [Testimony Mr. Steinbach]

53. The longest dorm farm incident in the 2001-2002 school year at DeSisto that the Student was aware of lasted a couple of months. [Testimony Student] Records indicate that the Student's longest dorm farm incident lasted six weeks. [Exhibit P-7]
54. The Student was dorm farmed quite a few times during the 2001-2002 school year at DeSisto School. [Testimony Mr. Steinbach] She was dorm farmed during the entire six weeks of the first dime in the fall of 2001. [Exhibit P-7] The Student was dorm farmed again during three weeks of the second dime at DeSisto School. [Exhibit P-7] During the January workshop, "she was in a restricted dormitory for the entire workshop and was not able to participate in any activities." [Exhibit P-7] The Student was also dorm farmed for three weeks during the third dime and for three weeks during the fourth dime at DeSisto School. [Exhibit P-9] The Student was either dorm farmed or restricted to her dormitory for 19 of the 34 weeks of the four dimes and the January Workshop of the 2001-2002 school year -- more than half of the entire time she spent at DeSisto School that year. Exhibits P-7, P-9]
55. While the Student has attended DeSisto School, the school has been involved in litigation in the Massachusetts courts. The Academic Director of DeSisto testified as to the litigation, and some of the court documents from the litigation were submitted as evidence in this case. As the litigation involved the conditions and treatment of the student body, of which the Student was a member, and the appropriateness of the program, the facts of the Massachusetts litigation are relevant to this proceeding.
56. All Massachusetts group care facilities in which thirty percent or more of the student body are students with special needs must be licensed by the Office of Child Care Services ("OCCS"), and adhere to numerous health and safety regulations. Licensing by the Office of Child Care Services is a prerequisite to being approved by the Massachusetts Department of Education as an approved special education provider in the State of Massachusetts. [Testimony Mr. Steinbach]
57. In 2000, DeSisto School did not comply with the OCCS request that DeSisto apply for a state license. In May 2000, the OCCS asked a superior court to order DeSisto to either file for a state license or prove that it did not meet the thirty percent threshold. [Exhibit B-41] After approximately 18 months of litigation, none of which resolved the initial May 2000 dispute about state licensing, the OCCS filed a lawsuit in November 2001, seeking affirmative equitable relief against DeSisto School for the School's recalcitrant refusal to follow state regulations. [Exhibit B-42]
58. In December 2001, the superior court found that the "public interest in maintaining well established regulations for the care of troubled and disturbed children in residential boarding schools demands that this court grant preliminary injunctive

relief” as requested by the OCCS. Consequently, the superior court ordered DeSisto School to cease the following activities:

1. Strip searching students;
  2. Separating students from groups for over 30 minutes without the written approval of the clinician;
  3. Requiring staff and students to sleep directly in front of or behind a dormitory room door or barricading doors or windows;
  4. Withholding food or liquids from a student as a form of punishment or serving students less than 3 meals a day;
  5. Preventing students from having the opportunity for continued visitation or communication with family members.
  6. Allowing students to assist or implement restraints on other students.
- [Testimony Steinbach, Exhibit B-42]

59. The DeSisto School was found in contempt of the December 2001 superior court order by, in many ways, “stonewalling” OCCS’ efforts to implement the order. [Testimony Steinbach, Exhibit B-41] In March 2002, OCCS returned to superior court in Massachusetts seeking a contempt order against DeSisto School. [Exhibit B-41]

60. The superior court found that DeSisto School was in contempt of the December 2001 court order. The court’s finding was based in part on the fact that “there is a risk of irreparable harm” if any further delay in the implementation of the December 2001 order occurs, and the fact that “improper practices by untrained staff [at DeSisto School] could have potentially grave consequences” for its students. [Exhibit B-41] The superior court ordered DeSisto School to complete the following to ensure the health and safety of the DeSisto School students:

1. Stop admitting any more students until the DeSisto School had supplied the Office for Child Care Services in Massachusetts with sufficient documentation that appropriate practices are being implemented at the school;
2. Issue written policies as well as written notices to the Office of Child Care Services about physical restraint;
3. Hire an Office of Child Care Services approved consultant within two weeks of the date of the order;
4. Complete physical restraint reports and send incident reports to the Office of Child Care Services within 24 hours of each restraint;
5. Create fully implemented policies by June 15, 2002 regarding behavior management, visiting, mail and telephone use, and staff orientation and training;
6. Make immediate physical repairs and/or modifications to the school buildings to make them safer. [Testimony Mr. Steinbach, Exhibit B-41]

61. By the close of this hearing, no testimony and/or exhibits verified that the Office of Child Care Services had licensed the DeSisto School or whether the Massachusetts Department of Education approved it as a residential special education facility.
62. The September 2001 PPT was rescheduled to November 14, 2001, at the Parents' request to allow both Parents to attend the meeting. [Testimony Mr. Nietupski, Exhibits B-21, P-7]
63. At the November 14, 2001 PPT, the Board, and the Parents agreed to have the Student undergo an educational, a psychological and a psychiatric evaluation. [Exhibit B-22] Although the Avon Public Schools offered to complete its own psychiatric evaluation of the Student, the Parents rejected that option. The parties eventually agreed upon Dr. David Krulee at a later date. [Testimony Dr. Hickey] At the November 14th PPT, the Avon Public Schools denied the Parents' request for reimbursement for the Parents' unilateral placement of the Student at DeSisto School for the 2001-2002 school year. [Exhibit B-22]
64. At the November 14<sup>th</sup> PPT, the Board requested specific documentation from the Parents, including documentation from the Natchaug Hospital Program, the St. Francis program and reports from the DeSisto School. [Testimony Dr. Hickey, Mr. Nietupski] The Parents did not submit the requested report from Natchaug Hospital to the Board, and the one page letter from Dr. Weiner of Natchaug Hospital was not given to the Board until the Parents submitted it as Exhibit P-4 in this hearing. [Testimony Mr. Nietupski, Dr. Hickey]
65. Mr. Nietupski conducted his psychological assessment of the Student at DeSisto School in December 2001. Mr. Nietupski's entire visit to the DeSisto School was highly controlled by the school's directors. On the day of the interview with the Student, the Student told Mr. Nietupski that she was unhappy at DeSisto. She missed her family and some people at Avon High School, she had difficulty adjusting to DeSisto School, and she did not have enough opportunities for exercise. [Testimony Mr. Nietupski]
66. In Mr. Nietupski's testing, the Student received a Verbal I.Q. score of 105; a Performance I.Q. score of 96, and a Full Scale I.Q. score of 101. All of these scores were consistent with the results from the Student's 1998 evaluation. Mr. Nietupski determined from this evaluation that the Student "is capable of both concrete and abstract reasoning, has a good focus on concentration and short term auditory memory." [Testimony Mr. Nietupski, Exhibit B-23]
67. The achievement testing conducted by Sarah Parsons in January 2002 indicated that the Student has overall superior achievement skills with content scores ranging from average to superior. The testing results indicated that the Student had no weaknesses in academic achievement, and the Student should continue to take college preparatory courses. [Exhibit B-24]

68. On February 13, 2002, the Board sent a notice to the Parents for a PPT scheduled for March 6, 2002 to review the results of the Nietupski, Parsons and Krulee evaluations. [Exhibit B-27] The Parents requested that the March 6<sup>th</sup> PPT be rescheduled because the Student was too ill to keep her appointment with Dr. Krulee for the planned psychiatric evaluation. [Exhibits B-28, B-29]
69. The PPT to review the evaluations was rescheduled for April 3, 2002. [Exhibit B-30] The delay in convening the PPT was a result of the following: difficulties surrounding having Dr. Krulee, who is not licensed in Massachusetts, conduct the evaluation of the Student in Massachusetts; communication difficulties between Dr. Krulee and the Parents; (3) illness of the Student; (4) scheduling problems at DeSisto School and other delays. [Testimony Dr. Hickey, Mr. Nietupski, Exhibit B-28] Nothing in the record indicated that the delays were due to any action by the Board.
70. At the April 3, 2002 PPT, the team reviewed the completed evaluations performed by Ms. Parsons and Mr. Nietupski, and Dr. Krulee's partial assessment. [Testimony Mr. Nietupski]
71. Dr. Krulee's initial evaluation report, dated March 27, 2002, was incomplete because he did not "perform a confrontational interview with [the Student] . . . nor was he able to perform a parent-child interactive interview to clarify pathology in this relationship." [Exhibit B-32] The parties agreed at the April 3, 2002 PPT to have Dr. Krulee meet with the Student again to allow him to complete his psychiatric evaluation. At the PPT, the Avon Public Schools denied the Parents' request for reimbursement for their unilateral placement of the student at DeSisto School. [Exhibit B-31]
72. After Dr. Krulee provided the Parents and the Board with a copy of his evaluation in May 2002, a PPT was held on June 19, 2002. [Exhibit B-39]
73. Dr. Krulee's report indicated that he met with the Student for a second time, at the end of April 2002<sup>4</sup>, but he was unable to get the Student to meet with him in the same room with her Parents. Therefore, he did not perform the parent-child confrontational interview that he had said was essential to the evaluative process. In his evaluation, Dr. Krulee determined that the Student requires extensive family-specific therapy to deal with her parent-child issues and that it would be "therapeutically unreasonable for [the Student] to be maintained in a long-term residential placement without the rapid establishment of family-specific treatment." The Krulee report indicated that when taken together, all of the available historical information serves to rule in a diagnosis of Borderline Personality Disorder. This was evidenced by the Student exhibiting signs of extreme emotional reactivity, instability of interpersonal relationships, flamboyantly impulsive behavior, and behaviors with a high potential for serious negative consequences, according to Dr. Krulee. The Krulee report noted that there was evidence of an identity disturbance and a degree of irrational thinking

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<sup>4</sup> The Student sent her Parents only two letters between September 14, 2001 and October 1, 2002. One of the letters, which was entered as an exhibit by her Parents, was sent a short while after the April 2002 evaluation conference with Dr. Krulee and her Parents, when she refused to meet in the same room with her Parents. [Testimony Father, Exhibit P-6]

that bordered on the psychotic, but that the most serious of these symptoms have abated significantly. [Exhibit B-37]

74. At the June 19<sup>th</sup> PPT, the Board and the Parents reviewed Dr. Krulee's completed evaluation, the letter from Dr. Zachariah to DeSisto, Dr. Lippman's September 2001 assessment, 2001-2002 academic progress reports from DeSisto School, and the admission and exit reports from Drs. Cohen and Weiner at the St. Francis Program, all of which were shared by the Parents prior to the PPT meeting. [Testimony Mr. Nietupski, Exhibit B-39] DeSisto School participated in the June 2002 PPT by conference telephone call. [Exhibit B-39]
75. At the June 19, 2002 PPT meeting, the Board and the Parents reviewed the reports and evaluations to determine whether the Student qualified for special education under the additional designation of SED. The June 2002 PPT meeting also included planning for the Student's program for the 2002-2003 school year. The Parents reiterated their request that the Board be responsible for their placement of the Student at DeSisto School for the 2001-2002 school year, and requested that the Board be responsible for their placement of the Student at DeSisto for the 2002-2003 school year. These requests were denied. [Exhibit B-39]
76. The Student was not identified as SED in the June 19 PPT, although the Parents and their advocate felt the Student should be so identified. [Exhibit B-39]
77. The Board recommended the following goals for the Student for the 2002-2003 school year: (1) maintain organization and study skills in order to participate successfully in academic classes; (2) improve math skills in order to compute and solve the mathematical problem to meet academic expectations; (3) improve in the areas of class attendance, organization and social relationships; (4) improve social skills and coping mechanism; and (5) identify with her parents the sources of conflict and develop strategies to manage conflict appropriately. [Exhibit B-39]
78. The Student's individual needs indicated that her program should include regular classes, plus resource assistance, with a therapeutic piece. These parts taken together would make the Student successful, according to the school psychologist. [Testimony Mr. Nietupski]
79. The Board recommended the following services for the Student's IEP at Avon High School for the 2002-2003 school year: (1) two periods of Learning Center per day, (2) weekly family counseling (3) weekly individual counseling, (4) weekly group counseling; and (5) Board transportation to and from the St. Francis program if the Parents re-enrolled the Student in the after-school PHP. (B. Ex.39).
80. A licensed clinical social worker such as Ms. Dadario or the school social worker would have provided counseling to the Student during the 2002-2003 school year because a social worker has more expertise with the family issues that were so important in the Student's case. [Testimony Mr. Nietupski]



81. The Board Director of Pupil Services supported the PPT recommendation to pay for transportation to the PHP program because he felt that the “family was in need” and that the Board had collaborated in the past with families to provide them access to such a program when it is determined to be helpful. [Testimony Dr. Hickey] He did not believe the Student needed the PHP program in order to receive an appropriate education. According to Dr. Hickey, students in Avon, like the Student, are often placed in the PHP program for non-educational reasons. [Testimony Dr. Hickey] Mr. Shahverdian testified that it is not uncommon for students at Avon High School who are enrolled in the PHP Program to leave Avon High School before the end of the regular school day to travel to the PHP Program. [Testimony Mr. Shahverdian]
82. If the Student had attended Avon High School during the 2002-2003 school year, she would have been required to participate in Senior English, a Humanities course, Mathematics, and Spanish. [Testimony Mr. Shahverdian]
83. If the Student attended Avon High School during the 2002-2003 school year, she would have received the career development and guidance services at high school. The twelfth grade college guidance program at Avon High School focuses on the individual needs of the student. In the second week of school, the Avon High School Guidance Office conducts a meeting for all seniors and their parents regarding processing college applications, making final choices, making plans to leave home, addressing the conflict that students have between wanting independence and carrying independence. Subsequent to the meeting, all students and parents are invited to work with the individual guidance counselors at Avon High School. [Testimony Mr. Shahverdian]
84. As of the close of the hearing, the Student was still attending DeSisto School. She was not meeting with the only special education teacher at DeSisto because she didn’t think she needed to. She had not returned home in more than a year. [Testimony Student] All testimony and evidence indicated that the Student’s academic progress at DeSisto was uneven. The Student’s Global Assessment of Functioning scale decreased from 60 in September 2001 [Exhibit B-47] to 50 in March 2002 [Exhibit B-32], after six months at DeSisto. While the Parents indicated that the Student had made emotional progress at DeSisto, no current therapist testified, nor were treatment notes or other documentation submitted to substantiate such progress.

### **CONCLUSIONS OF LAW:**

1. The Student is eligible for special education and related services as set forth in the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1401, et seq.
2. The term “child with a disability” means a child (i) with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and (ii) who, by reason thereof, needs special education and related services. 20 U.S.C. Sec. 1401(3), 34 C.F.R. Sec. 300.7(a)(1) The PPT has

determined previously that the Student is eligible for services under the designation Other Health Impaired. [Exhibit B-13]

3. Emotional disturbance is defined under the federal regulations as follows:  
The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
  - (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors;
  - (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
  - (C) Inappropriate types of behavior or feelings under normal circumstances;
  - (D) A general pervasive mood of unhappiness or depression;
  - (E) A tendency to develop physical symptoms or fears associated with personal or school problems;

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they have an emotional disturbance. 34 C.F.R. Sec. 300.7(c)(4)
4. If, after evaluation, a child is found to have an emotional disturbance, the team must also find that the child, by reason of this condition, requires special education. 34 C.F.R. Sec. 300.7(a)(1). Special education is defined as "specially designed instruction". 34 C.F.R. Sec. 300.26(a)(1). Specially designed instruction means adapting "the content, methodology, or delivery of instruction...to address the unique needs of the child...[and]...ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children". 34 C.F.R. 300.26(b)(3).
5. Taking these requirements together, in order to find a student eligible for special education services as a child with having a Serious Emotional Disturbance [SED], the Planning and Placement Team (PPT) must find that the student exhibits one of five characteristics of emotional disturbance (1) over a long period of time (2) to a marked degree, such that it (3) adversely affects the student's educational performance, (4) causing the child to require specially designed instruction in order to receive a free appropriate public education.
6. No claim is made that the Student meets the criteria of emotional disturbance based on has an inability to learn that cannot be explained by other factors, or a tendency to develop physical symptoms or fears associated with personal or school problems. No signs of depression were noted, and the Student testified that she was not depressed. Nearly every professional who worked with the Student during the 2001-2002 time period believed that the Student was not suffering from depression. Therefore, the Student does not meet the criteria for a general pervasive mood of unhappiness or depression. Some of the anecdotal evidence, and provider reports could indicate that

the Student might have an inability to build or maintain satisfactory interpersonal relationships with peers, in that the Student was involved in an alleged obsessive relationship with the Project Choice Student, or inappropriate types of behavior or feelings under normal circumstances.

7. While the evidence indicates that the Student does have a psychological disorder which could fall under one or two criteria for Emotional Disturbance, it has not been shown that this disorder has had an adverse impact on the Student's educational performance. Dr. Krulee has diagnosed the Student with a Borderline Personality Disorder, which is consistent with the previous observations of the treating psychologist Dr. Zachariah, and other providers, particularly the instability of interpersonal relationships noted by Dr. Krulee. But the evidence does not support that this instability of interpersonal relationships has had an adverse impact on her educational performance, which is required to be identified as SED.
8. The tumultuous relationship the Student had with her Parents does not, by itself, create eligibility under IDEA. *See, e.g., Letter to Anonymous*, 213 EHLR 247 (OSEP 1989) Furthermore, the Parent/Student relationship may have been disruptive at home, but the Student's school demeanor did not reflect such disorder. From the testimony presented, when the Student was present at the Board school, the Student exhibited no inappropriate or deviant behaviors at school, but merely acted as a typical adolescent in the school setting. She had appropriate relations with peers and teachers. While the Student was at Avon Public Schools she exhibited none of the SED characteristics to a marked degree, for a long period which had an adverse impact on her performance. Based on all evidence submitted and testimony given, the Student does not meet the criteria for a student with a Serious Emotional Disturbance.
9. The Board has the burden of proving the appropriateness of the Student's program and placement, which burden shall be met by a preponderance of the evidence. Conn. Agencies Regs. Sec.10-76h-14. The Board has met its burden in this case.
10. The standard for determining whether a Board has provided a free appropriate public education is set forth as a two-part inquiry in *Board of Education of the Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176 (1982). It must first be determined whether the Board complied with the procedural requirements of the Act. The second inquiry is a determination of whether the Individualized Educational Program is "reasonably calculated to enable the child to receive educational benefits." 458 U.S. at 206-207. As to the first inquiry, nothing in the record supports any claim for a violation of the Parents' procedural rights. The Parents received proper notice of the PPTs, the Parents received a copy of their procedural safeguards at each meeting, the Parents consented to the Student's IEP at the May 2001 PPT, the Student's needs for special education and related services were reviewed on an individualized basis and the Board conducted a comprehensive review of her records and evaluations at the PPT meetings convened during the 2001-2002 school year. Therefore, the Board complied with the procedural requirements of the Act.

11. The second inquiry is the determination of whether the IEP is reasonably calculated to enable the child to receive educational benefits. The Individuals with Disabilities Education Act (IDEA) does not itself articulate any specific level of educational benefits that must be provided through an IEP. The Supreme Court, however, has specifically rejected the contention that the “appropriate education” mandated by IDEA requires states to “maximize the potential of handicapped children.” *Walczak v. Florida Union Free School District*, 27 IDELR 1135 (2d Cir. 1998), citing *Rowley, supra*. An appropriate public education under IDEA is one that is likely to produce progress, not regression. *Id.* The goal of IDEA is not to maximize a special education child’s potential, but rather to provide access to public education for such children. *K.P. v. Juzwic*, 891 F. Supp. 703, 718 (D.Conn. 1995).
12. While the Parents may be attempting to find an appropriate placement for the Student, the placement at DeSisto is not appropriate, and furthermore, the Student does not require such a restrictive program. The appropriate standard is whether the Student can derive meaningful educational benefit from the proposed program, not everything that might be thought desirable by the parents. *Tucker v. Bay Shore Union Free School District*, 873 F. 2d 563, 567 (2d Cir. 1989) The Board’s proposed program, based on the Student’s evaluations, is carefully drafted so that the Student can derive such meaningful educational benefit.
13. In addition to the free appropriate public education requirement, IDEA’s preference is for disabled children to be educated in the least restrictive environment capable of meeting their needs. *Walczak, supra*. IDEA sets forth a strong congressional preference for integrating children with disabilities in the regular classrooms. *Oberti v. Board of Education*, 995 F. 2d 1204 (3d Cir. 1993) School districts must evaluate whether a child with a disability can be educated in a regular classroom if provided with supplementary aids and services. *Oberti*, 995 F.2d at 1216, *Mavis v. Sobol*, 839 F. Supp. 968, 985-986. The Act’s least restrictive environment requirement is met when the child with a disability is educated in the regular classroom, or when the child who cannot be fully included is mainstreamed to the “maximum extent possible.” *Oberti*, 995 F. 2d at 1217 The Student does not require a segregated private school setting to obtain educational benefit, and the least restrictive environment requirement is met by the Board’s IEP for the 2001-2002 and the 2002-2003 school year in that the Student will be educated in the regular classroom to the maximum extent possible.
14. The program proposed by the Board is appropriate for the Student, considers her strengths and weaknesses, is developed so that the Student can derive meaningful educational benefit, and will be delivered in the least restrictive environment. The Student’s program was individually designed after careful review of all evaluations, to place the Student in regular classes with resource room assistance, and to add a therapeutic/counseling component.

15. As the Board's program is appropriate, it is not necessary to determine the appropriateness of Parents' proposed placement. *See, Burlington School Committee v. Dept. of Ed.*, 471 U.S. 359 (1985), *Florence Co. School District v. Carter*, 114 S.Ct. 361 (1993) (Reimbursement for private school placement is only awarded when the *district's program was not appropriate* and that the private placement could provide an appropriate educational program for the child.) Nevertheless, in light of the extensive record, the grave concerns posed by the testimony and evidence submitted in this case, it is important that the inappropriateness of the placement be discussed.
16. In light of the evidence in this case, DeSisto School is wholly inappropriate for the Student. The Parents have not shown that the Student must be educated in a residential environment in order to receive meaningful educational benefit. Moreover, the weight of the evidence indicates that the Parents placed the Student at the boarding school for noneducational reasons, particularly due to the tumultuous Parents/Student relationship, the Student's promiscuity, and concern regarding the ethnic background of the Student's romantic interest and other peers at the school. The Board is not responsible for the cost of the placement for these reasons.
17. In addition, as noted *supra*, the evidence submitted and testimony regarding DeSisto School is very troubling. For example, the restrictive and punitive nature of its practices, such as the restriction of the students to their dorms for weeks at a time and the restriction on outside communication via letters and telephone seem to be dubious practices. DeSisto's academic program appears to be fragmented which is evidenced in the teacher's notes in this case which show that the Student missed out on necessary class time because she was restricted to her dorm or dorm farmed. [Exhibit P-9] No treatment/service plans were in place for the Student until almost a year after her initial placement, and when drafted also appeared sketchy, at best, with very few specific goals and objectives. [Exhibit P-8] For the myriad of concerns noted about DeSisto, this placement is not appropriate for the Student.

**FINAL DECISION AND ORDER:**

1. The Student should not be identified as a student with an Emotional Disturbance.
2. The programs offered by the Board for the 2001-2002 and 2002-2003 school years were appropriate for the Student.
3. The Parents' placement of the Student at DeSisto School for the 2001-2002 and 2002-2003 school years is not appropriate.