

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Attorney Jillian Griswold
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 provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board for the 2014-2015 school year, including extended school year (ESY), appropriate and did it provide the Student FAPE in the LRE?
3. Is the program provided by the Board for the 2015-2016 school year, including ESY, appropriate and does it provide the Student with FAPE in the LRE? If not:
4. Does the unilateral placement at Eagle Hill in Stamford provide the Student with a meaningful education?
5. Should the Board be responsible for the cost of the unilateral placement for the 2015-2016 school year?
6. Should the Board be responsible for the cost of the Psycho-educational evaluation by Laura Seese, Ph.D.?
7. Should the Board be responsible for the cost of the two neuropsychological evaluations performed by Mary Best, Ph.D.?
8. Is the Student entitled to Compensatory Education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Traumatic Brain Injury 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 Statutes §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year. The Parents requested reimbursement for the cost of their unilateral placement of the Student at Eagle Hill, in Stamford, for the 2015-2016 school year. The Board refused the

Parents' request. On August 17, 2015, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was October 26, 2015.

An impartial hearing officer was appointed on August 18, 2015 and a pre-hearing conference was held on September 3, 2015. The hearing dates chosen by the parties were November 13 and 16, 2015. In an electronic transmission, the parties requested that the hearing officer cancel the November 13, 2015 hearing date in order to memorialize an agreement. The request to cancel the hearing date was granted.

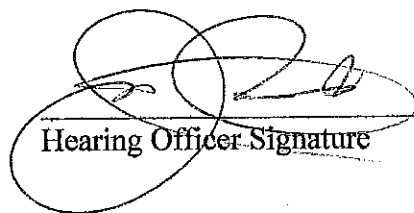
In an electronic transmission dated November 13, 2015, the Parents' attorney informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice. The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is November 30, 2015.

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