

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Montville Board of Education

Appearing on behalf of the Parents: Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
100 Riverview Center, Ste. 120  
Middletown, Connecticut 06457

Appearing on behalf of the Board: Attorney Anne Littlefield  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, Connecticut 06103-1919

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the 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 program at the Learning Clinic in Brooklyn, CT provide the Student with FAPE in the LRE? If so;
3. Should the Board be responsible for the cost of the Student's placement at River Street School?
4. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disturbance and is entitled to receive a free and appropriate public education (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. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year and requested reimbursement for the unilateral placement of the Student at The Learning Clinic in Brooklyn, CT. The Board refused the Parents' request and the Parents filed for due process. An impartial hearing officer was appointed on September 21, 2015. A pre-hearing conference was held on September 25, 2015. The parties agreed to forego a resolution meeting and proceed to mediation. The mediation date was November 3, 2015. At the November 6, 2015 hearing date, the Parents' attorney withdrew the matter with prejudice. There was no objection by the Board. The date for mailing of the Final Decision and Order was extended to December 30, 2015 to accommodate the hearing dates.

**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