

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Ridgefield Board of Education

Appearing on behalf of Student: Attorney Piper Paul
Piper Paul Law LLC
500 Post Road East #239
Westport, CT 06880

Appearing on behalf of the Board of Education: Attorney Linda Yoder
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated February 8, 2021.² The Board of Education ("BOE") received it on February 10. The 30-day resolution period ended March 12 and the 45-day deadline to mail the final decision and order is April 26.

A telephonic pre-hearing conference was held on February 23. Attorney Paul appeared on behalf of Student and Attorney Yoder appeared on behalf of BOE. The following issues were identified:

1. Was Student's current placement at Fusion Academy a diagnostic placement or a unilateral placement?
2. If Student's current placement was a diagnostic placement, are Student's Parents entitled to reimbursement for Student's tuition at Fusion Academy?
3. If Student's current placement was a unilateral placement, did the Board of Education offer Student a free appropriate public education during the period of the unilateral placement?
4. Is the Board of Education's proposed therapeutic day program an appropriate placement for Student?
5. If the answer to Issue Four above is in the negative, is Fusion Academy an appropriate placement for Student?
6. If the answer to Issue Five above is affirmative, are Student's Parents entitled to reimbursement for Student's tuition at Fusion Academy?

Student's Attorney indicate intent to file a motion to stay put and BOE's Attorney intended to file a brief in opposition. The parties agreed to table the issue until after their March

¹ To comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2021 unless otherwise indicated.

22 mediation to save time and resources in the event the case settles. A scheduling order was entered giving Student's Attorney until April 5 to file a motion to stay put; giving BOE's Attorney until April 12 to file a response; and scheduling a hearing for April 19. The parties participated in mediation on March 22.

On April 15, Student's Attorney requested that the April 19 hearing be postponed one week to allow the parties to finalize a settlement agreement. After fully considering the positions of the parties, the request was granted and the April 19 hearing was postponed one week to April 26.

On April 16, Student's Attorney indicated that the settlement agreement was fully executed and requested to withdraw the hearing request with prejudice.

FINAL DECISION AND ORDER

The above-captioned case is dismissed with prejudice.