

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parent (Mother): Attorney Andrew A. Feinstein  
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Mystic, CT 06355

Appearing on behalf of the Board: Attorney Julie C. Fay  
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One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should the Board have identified the Student as eligible for special education and related services in March 2009?
2. Did the Board fail to offer the Student a free appropriate public education ("FAPE") for the 2009-10 school year?
3. If so, should the Board be required to reimburse the Parent for the unilateral placement of the Student at Villa Maria School, including transportation costs, for the 2009-10 school year?
4. Did the Board fail to offer the Student a FAPE for the 2010-11 school year?
5. If so, should the Board be required to reimburse the Parent for the unilateral placement of the Student at Villa Maria School, including transportation costs, for the 2010-11 school year or to place the Student there with a Stamford Individualized Education Plan?
6. Is the Parent entitled to compensatory education for the Board's denial of FAPE from March 2009 to date?

**PROCEDURAL HISTORY:**

The Parent's attorney requested this hearing by e-mailing a letter to the State Department of Education ("SDE") and faxing a copy to the Board's Director of Special Education Services on June 30, 2010. The Board received a copy of the letter on that date. This Hearing Officer was assigned to the case on July 1, 2010. On

July 9, 2010, the Board's attorneys filed an appearance. On July 14, 2010, a prehearing conference was held. The mailing date for the final decision was set at September 13, 2010. The Board had scheduled a resolution meeting for July 19, 2010, but the Parent's attorney wanted to have mediation. The parties agreed to discuss whether to mediate or have a resolution meeting with both attorneys present. Hearing dates were agreed on for August 26, 2010 and August 30, 2010. On July 19, 2010, the Board filed a Motion to Dismiss the claims regarding the 2010-11 school year because they are not ripe for review since the Parent has not asked the Board to provide an IEP or evaluate the Student's eligibility for special education for that school year. The Parent filed an Objection to the motion on July 22, 2010. On July 26, 2010, the Motion to Dismiss was denied without prejudice because there were factual issues that needed to be resolved at a hearing.

On July 28, 2010, the SDE advised the Hearing Officer that mediation was scheduled on August 26, 2010. On August 4, 2010, the Board's attorney filed a request to postpone both hearing dates so that the parties could proceed to mediation and have sufficient time to prepare for hearing if necessary. The Parent's attorney joined in the request, which was granted. The hearing was postponed to September 21, 2010 and the mailing date for the final decision was extended to October 15, 2010. On August 19, 2010, the parties jointly requested that the hearing date be rescheduled to another date because the Board was not available on September 21, 2010. The request was granted, the hearing was rescheduled to September 13, 2010 and the mailing date for the final decision was modified to October 7, 2010. On August 30, the Parent's attorney filed a withdrawal with prejudice of the June 30a , 2010 hearing request.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed with prejudice.