

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 7 Board of Education

Appearing on behalf of the Parent: Attorney Philip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before: Justino Rosado, Esq. Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Does the Student require special education and related services as stated in the Individuals with Disabilities Education Improvement Act (IDEA)? If yes;
2. Was the program provided by the Board from May 3, 2011 to the end of the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Was the program provided by the Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE?
4. Was the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with FAPE in the LRE? If no;
5. Should the Board be responsible for the cost of the unilateral placement of the Student at the Second Nature Wilderness program from December 31, 2012 to March 22, 2013 and did it provide the student with FAPE?
6. Should the Board be responsible for the cost of the unilateral placement of the Student at the Telos Residential Treatment Program from March 22, 2013 to the end of the 2012-2013 school year and did it provide the Student with FAPE?
7. Is the program offered by the board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
8. Is the program requested by the Parents at Telos Residential Treatment Program for the 2013-2014 school year appropriate and does it provide the student with FAPE in the LRE?
9. Should the Board reimburse the Parents for the cost of the psychological evaluation of the Student conducted by Jennifer Zeisz, Ph.D.?
10. Is the Student entitled to Compensatory Education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student is not identified as a student requiring special education and related services and is not entitled to receive FAPE as defined in the Individuals With Disabilities 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 Board refused to identify the Student as requiring special education and related services. The Parents objected to the denial.

On May 3, 2013, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter.

An impartial hearing officer was appointed on May 3, 2013 and pre-hearing conferences were held on May 20, 2013 and July 8, 2013. Hearing dates of July 15 and 16, 2013 were chosen by the parties.

The hearing dates of July 15 and 16, 2013 were cancelled to allow time for the parties to mediate the matter. Hearing dates of August 26, 27 and 29 and September 16, 2013 were chosen. At the August 26, 2013 hearing, the parties advised the hearing officer that they were able to resolve the matter but needed additional time to allow the Student to review and sign the agreement. During the course of the hearing the Student turned eighteen years old and gave consent for the matter to continue. The August 27 and 29, 2013 hearing dates were cancelled.

On September 12, 2013, the Parents' attorney informed the hearing officer that the Student had ratified the agreement and 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 September 20, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITH PREJUDICE.