

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent: Attorney Christine Barrington
Access Education Consulting
94 Park Terrace Avenue
West Haven, CT 06516

Appearing on behalf of the Board: Attorney Michelle 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. What is the Student's stay-put?
2. Does the Student's stay-put include a shadow nurse?
3. Is the existing safety plan provided to the Student appropriate?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as 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 objected to the safety plan provided for the Student and requested that a shadow nurse be provided. The Board refused the Parents' request.

On October 28, 2013, the Board received notice of the Parents' request for due process. The parties agreed to the resolution meeting. An impartial hearing officer was appointed on October 29, 2013 and a pre-hearing conference was held on November 7, 2013 and November 11, 2013. A hearing date of November 20, 2013 was chosen by the parties.

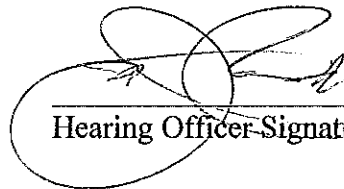
In an electronic transmission, the Parents' attorney requested that the hearing officer cancel the November 20, 2013 hearing date because their witness would not be available. The hearing date was canceled. On November 25, 2013 the Parents' attorney asked that they be allowed to withdraw the request for due process without prejudice. The Board did not object to the request. The request was granted. The date for mailing the Final Decision and Order is January 11, 2014.

FINAL DECISION AND ORDER:

The matter is dismissed without 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