

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. South Windsor Board of Education

Appearing on behalf of the Parent: Attorney Phillip Cohn
Cohn & Paul, LLC
200 Connecticut Avenue, Suite 2F
Norwalk, CT 06854

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

Appearing before: Laura Share, Esq.
Hearing Officer

Final Decision and Order

Issues:

1. Did the district violate its Child Find obligation, for the period commencing December 22, 2015, until the student was found eligible for special education on March 31, 2017, by failing to identify the student as requiring special education and related services in a timely manner?
2. Was the Individualized Education Program (“IEP”) offered at the March 31, 2017 PPT meeting for the 2016-2017 school year, and extended school year period, appropriate?
3. Was the IEP offered for the 2017-2018 school year appropriate?
4. If the District failed to provide the student with a Free Appropriate Public Education (“FAPE”) during the applicable 2015-2016, 2016-2017, and 2017-2018 school years and related school year periods, did Newport Academy, where the parents unilaterally placed the student from September 7, 2017 to December 14, 2017, provide the student with an appropriate program and are the parents entitled to reimbursement by the district for the costs of the tuition and related expenses for the student’s attendance in this program?
5. If the District failed to provide the student with FAPE during the applicable 2015-2016, 2016-2017, and 2017-2018 school years and related school year periods, does Solstice East, where the parents unilaterally placed the student beginning on December 15, 2017, provide the student with an appropriate program and are the parents entitled to reimbursement by the district for the costs of the tuition and related expenses for the student’s attendance in this program?
6. Are the parents entitled to reimbursement for the cost of therapies, not covered by insurance?

7. Are the parents entitled to reimbursement for the cost of all transportation by the parents and the student to Newport Academy and Solstice East?
8. Is the student entitled to compensatory education for the denial of FAPE?

PROCEDURAL HISTORY/SUMMARY:

The Student initiated this special education due process case on 12/22/17. This Impartial Hearing Officer was assigned to this case on 12/26/17. A Prehearing Conference was convened on 1/11/18. Attorney Cohn appeared on behalf of the Student and Attorney Yoder appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case is 3/7/18. An evidentiary hearing was scheduled for 3/2/18.

On 2/23/18, Attorney Cohn requested a postponement of the first day of hearing scheduled for 3/2/18 and an extension of the mailing date to accommodate continued settlement discussions. The Board agreed to the requested postponement and it was granted. The first day of hearing was postponed to 3/29/18. On 3/2/18, Attorney Cohn also requested an extension of the mailing date, and the mailing date deadline was extended to 4/6/18.

On 3/23/18, Attorney Cohn reported to the Hearing Officer that the Parent would like to withdraw her Due Process Complaint since the parties settled this matter.

Final Decision and Order:

The matter is **DISMISSED** with prejudice.