

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on Behalf of the Parents: Gerry McMahon, Esq.
Law Offices of Gerry McMahon, LLC
9 Grove Street, Suite C
Ridgefield, CT 06877

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the Board violate child find by not identifying the student as a student requiring special education and related services before June 9, 2009?
2. Was the program provided by the Board for the 2009-2010 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Was the program provided by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE? If not;
4. Does the Student require a therapeutic residential program in order to receive FAPE in the LRE?
5. Did the Board commit a procedural violation by not providing the Parents with prior written notice of their refusal of a therapeutic residential program for the Student at the April 15, 2010 PPT meeting?
6. Is the Student entitled to compensatory education for the Board's denial of FAPE for the 2009-2010 and 2010-2011 school year?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents rejected the program offered by the Board for the 2010-2011 school year. The Parents requested a therapeutic residential placement. The Board refused the Parents' request.

On or about November 18, 2010, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on November 23, 2010 and a pre-hearing conference was held on December 6, 2010. A hearing date of January 26, 2011 was chosen by the parties. The parties agreed to go to mediation in place of a resolution meeting. Mediation was held on December 20, 2010 and continued on January 19, 2011.

In an electronic transmission dated February 15, 2011, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and requested time to put the agreement in writing and ratify the agreement. An extension was granted. On or about March 18, 2011, the parties informed the hearing officer that the matter was ratified and the hearing was withdrawn with prejudice.

At the request of the parties and in order to accommodate the mailing of a final order and decision after the hearing date, the date for the mailing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is March 31, 2011.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED WITH PREJUDICE.