

September 30, 2014

Final Decision and Order: 15-0046

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Region 4 Board of Education v. Student

Appearing on behalf of the Parent: Attorney Phillip Cohn
Goldman, Gruder & Woods, LLP
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board: Attorney Susan Freedman
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Regional School District No. 4 Board of Education ("Board") fail in the Board's Child Find obligations to the Student pursuant to 20 U.S.C. §1412(a)(3) and R.S.C.A. §10-76d-7?
2. Did the Board fail to timely recommend and conduct comprehensive and appropriate evaluations in all areas of suspected disability of the Student and by extension, fail to program comprehensively and appropriately for the Student's special education needs?
3. Did the Board fail to provide the Student with a free and appropriate public education ("FAPE") during the 2012-2013; 2013-2014 school years, inclusive of any appropriate extended school year ("ESY") program?
4. Has the Board failed to propose an appropriate program for the Student for the 2014-2015 school years, inclusive of ESY?
5. If the Boards' programs for the Student were inappropriate, are the unilateral placements of the Student, by the Parents, appropriate?
6. If the answer to issue number 5 is YES, are the Parents entitled to reimbursement for the related costs of the unilateral placements?

PROCEDURAL HISTORY:

The Parents filed the request for a due process hearing on July 18, 2014. A prehearing conference was held on August 22, 2014, from which the issues listed above were identified. Six hearing dates were set, with the first hearing date set for October 14, 2014. The Parents filed a Motion to Compel, which was resolved by the Parties prior to a hearing or decision being rendered on the Motion. The Parties agreed to participate in mediation and were able to reach agreement through that process. On September 23, 2014, the Parents withdrew their request for a due process hearing, and requested that all hearing dates be cancelled.

FINAL DECISION AND ORDER:

On September 23, 2014, Counsel for the Parents requested that this matter be withdrawn, citing agreement by all Parties. With no further issues to be decided, all scheduled hearing dates are cancelled and this matter is DISMISSED.

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

Robert L. Skelley, Esq.

Hearing Officer Name in Print