

May 12, 2015

Final Decision and Order 15-0284

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Waterford Board of Education

Appearing on behalf of the Parents:

Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
100 Riverview Center, Ste. 120  
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Anne Littlefield  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before:

Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board violate child find in not finding the Student eligible for special education and related services in a timely manner?
2. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with a free, appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Does the program at Franklin Academy in East Haddam, CT, provide the Student with FAPE in the LRE?
4. Should the Board reimburse the Parents for the independent evaluation of the Student at the Center for Children with Special Needs?
5. Should the Board reimburse the Parents for their placement of the Student on June 11, 2013 at SUWS wilderness program?
6. Should the Board reimburse the Parents for their unilateral placement of the Student at Franklin Academy in East Haddam, CT for the 2014-2015 school year?
7. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

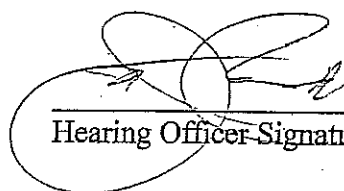
The Student has been identified with the primary disability of Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2014-2015 school year. The Parents requested that the Student be placed at Franklin Academy; the Board refused the Parents' request. On February 6, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on February 6, 2015 and a pre-hearing conference was held on February 17, 2015. The parties agreed to waive a resolution session and go to mediation on February 25, 2015. A hearing date of April 23, 2015 was chosen by the parties. The Parents' attorney requested an extension of the mailing date of the Final Decision and Order to accommodate the hearing date; the mailing date was extended to May 21, 2015. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties had resolved the matter and requested that the matter be withdrawn with prejudice; the withdrawal was granted.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH 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