

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Attorney Philip J. Cohn  
Goldman, Gruder & Woods, LLC  
200 Connecticut Avenue  
Norwalk, CT 06854

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. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Was the unilateral placement of the Student at Westport Day School in Westport, CT for the summer of 2015, an extended school year program (ESY), appropriate and did it provide the Student with a meaningful education?
3. Should the Board reimburse the Parents for their unilateral placement of the Student at Westport Day School in Westport, CT for the summer of 2015?
4. Was the unilateral placement of the Student at Away to Learn tutoring services from May 2015 to the end of the 2014-2015 school year appropriate and did it provide the Student with a meaningful education?
5. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
6. Is the program at Westport Day School appropriate and does it provide the Student with a meaningful education?
7. Should the Board reimburse the Parents for their unilateral placement at Westport Day School for the 2015-2016 school year?
8. Should the Board reimburse the Parents for the cost of their educational consultant?
9. Should the Board reimburse the Parents for the cost of private therapy and counseling sessions not covered by insurance?
10. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statutes §10-76a et seq.

October 29, 2015

Final Decision and Order Case No. 15-0613

At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2015-2016 school year. The Parents requested reimbursement for their unilateral placement at Westport Day School for the 2015-2016 school year. The Board refused the Parents' request.

On June 25, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on June 25, 2015 and a pre-hearing conference was held on June 30, 2015. The parties agreed to a resolution meeting. In an electronic transmission, the Parents' attorney informed the hearing officer that the parties were working to resolve the matter and requested withdrawing the matter without prejudice. The Board did not object to the withdrawal.

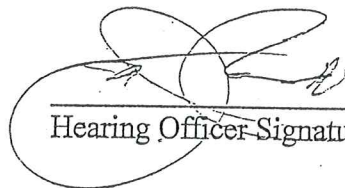
The date for the mailing of the Final Decision and Order was extended to November 2, 2015 to accommodate the hearing date.

**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