

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Newtown Board of Education

Appearing on behalf of the Student:

Attorney Melanie Dunn  
Andrew Feinstein Attorney at Law, LLC  
86 Denison Avenue  
Mystic, CT 06355

Appearing on behalf of the Board of Education:

Attorney Michelle Laubin  
Berchem, Moses & Devlin, PC  
75 Broad Street  
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Student eligible for special education or related services?
2. If so, did the Board of Education refer and evaluate the Student on a timely basis?
3. If the Student was eligible for special education or related services, did the Board of Education offer the Student a free appropriate public education during the 2013-2014 School Year?
4. If not, is the Student entitled to compensatory education services for the 2013-2014 School Year?
5. If the Student was eligible for special education or related services, did the Board of Education offer the Student a free appropriate public education during the 2014-2015 and/or the 2015-2016 School Year?
6. If not, was the Student's unilateral placement appropriate?
7. If the unilateral placement was appropriate, is the Student entitled to reimbursement of the expenses of the unilateral placement for the 2014-2015 and/or the 2015-2016 School Years?
8. Is the Student entitled to reimbursement for the expense of an evaluation conducted by Dr. Capanna-Hodge?
9. Is the Student entitled to reimbursement for the expense of tutoring in the areas of reading, writing and mathematics since December 2013?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing on August 17, 2015. The Impartial Hearing Officer was assigned to the case on August 11, 2015. A telephonic pre-hearing conference was held on September 1, 2015. Attorney Melanie Dunn appeared on behalf of the Student and Attorney Michelle Laubin appeared on behalf of the Board of

November 10, 2015

Final Decision and Order 16-0091

Education. The deadline for filing the final decision was established to be October 30, 2015. An evidentiary hearing was scheduled for November 10, 2015.

On September 2, 2015, the Student requested a thirty-day postponement and extension of the timeline to conduct the hearing and to file the final decision in this case to November 27, 2015. The purpose of the requested postponement and extension was to allow the parties an opportunity for mediation. The parties had a mediation scheduled for October 29, 2015. The Board of Education consented to the requested postponement and it was granted.

On November 6, the Student reported that the parties had reached a settlement and requested that the matter be dismissed without prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the request of the Student for dismissal is granted 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).

*Ann F Bird*

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Hearing Officer Signature

ANN F BIRD

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Hearing Officer      Name in Print