

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stratford Board of Education

Appearing on behalf of the Parent: Lawrence W. Berliner, Esq.
Law Offices of Lawrence W. Berliner, LLC
1720 Post Road East, Ste. 214 E
Westport, CT 06880

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)?
2. Was the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE?
3. Does the program at Winston Preparatory School provide the Student with FAPE in the LRE?
4. Should the Board be responsible for the cost of the placement of the Student at the Winston Preparatory School for the 2015-2016 school year?
5. Should the Board reimburse the Parents for the cost of the evaluation performed by Dr. Cashman?
6. Were the evaluations performed by the Board appropriate?
7. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student is classified as Other Health Impaired-ADD/ADHD 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 Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents disagreed with the program offered by the Board for the 2015-2016 school year. The Parents requested placement at Winston Preparatory School at public expense; the Board denied the request.

Notice of Parents' Case No. 16-0219 was received by the Board on November 23, 2015. An impartial hearing officer was appointed on November 16, 2015 and a pre-hearing conference was held on December 2, 2015. Hearing dates of January 28, March 24 and March 31, 2016 were chosen by the parties. The Board later filed a request for due process, Case No. 16-0265. Consolidation of both cases was requested on December 15, 2016; the hearing officers conferred and agreed it was more economical

April 14, 2016

Final Decision and Order 16-0219/0265 (Consolidated)

and efficient to consolidate the two matters. On December 21, 2016 it was ordered that the matters be consolidated.

In an electronic transmission, the parties informed the hearing officer that the matter had been resolved but requested additional time to finalize the agreement as well as cancellation of the hearing dates; the hearing dates were cancelled. In an electronic transmission dated April 4, 2016, the parties informed the hearing officer that the agreement had been signed and withdrew the matters with prejudice.

The mailing date was extended to accommodate the hearing dates. The date for the mailing of the Final Decision and Order is April 22, 2016.

FINAL DECISION AND ORDER:

THE 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

Justino Rosado
Hearing Officer Name in Print