

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Student: Attorney Andrew Feinstein
Feinstein Education Law Group
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board: Attorney Marsha Moses
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75 Broad Street
Milford, CT 06457

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate its Child Find obligations under the Individuals with Disabilities Education Act by not referring Student for an evaluation in the time period between Student's enrollment in the District in January 2014 and April 1, 2015, when Student was referred to a Planning and Placement Team meeting, to evaluate Student in order to determine whether or not Student was eligible to receive special education?
2. Did the District err when it found the Student not eligible for special education under the Individuals with Disabilities Education Act on May 19, 2015?
3. As a result of not identifying the Student as eligible for special education, and not developing an Individualized Education Program ("IEP"), did the District deny Student a Free Appropriate Public Education ("FAPE") for the 2014-2015 school year?
4. As a result of not identifying the Student as eligible for special education, and not developing an IEP did the District deny Student a FAPE for the Extended School Year ("ESY") in the summer of 2015?
5. Did the District err when it found the Student eligible for special education under the Individuals with Disabilities Education Act under the disability classification of Other Health Impairment, rather than Emotional Disturbance on December 22, 2015?
6. Did the District deny Student a FAPE for the 2015-2016 school year?
7. Did the District deny Student a FAPE for the ESY in the summer of 2016?
8. If the District denied Student a Free Appropriate Public Education during the 2015-2016 school year are parents entitled to:
 - a. Reimbursement for their unilateral placement of Student in the RedCliff Ascent Wilderness Treatment Program from December 19, 2015 through March 17, 2016 and/or;
 - b. Reimbursement for their unilateral placement of Student at the Diamond Ranch

Academy from March 11, 2016 through December 2016?

9. As a result of not identifying the Student as eligible for special education, and not developing an IEP for the 2016- 2017 school year, did the District fail to provide Student with a FAPE for the 2016-2017 school year; and if so, does the Diamond Ranch Academy, where Parents have unilaterally placed Student for the 2016-2017 school year provide Student with an appropriate program, thereby entitling Parents to reimbursement for tuition and costs associated with this placement?
10. Did the District err when it failed to either pay for the Independent Educational Evaluation requested by Parents on June 22, 2015 or request a Due Process Hearing to determine whether or not the District's evaluation was appropriate, thereby entitling Parents to Reimbursement for the costs of the educational evaluation conducted by educational psychologist Barry Wasserman in August 2015?
11. Are the Parents entitled to reimbursement for the cost of Dr. Seese's written recommendation letter dated April 20, 2016?

PROCEDURAL HISTORY AND SUMMARY:


On July 1, 2016, the Board received a request for a special education due process hearing filed by Attorney for the Parents. On July 7, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the case. During the prehearing conference held on July 13, 2016, hearing dates of September 19, 2016 and September 20, 2016 were set and the deadline for the mailing of the final decision and order was established as September 14, 2016. During the prehearing conference, Counsel indicated they would be participating in mediation and requested an extension of the mailing deadline in order to allow the parties to engage in mediation and to accommodate the agreed upon hearing date schedule. On July 13, 2016 the extension request was granted and October 14, 2016 was set as the new deadline for mailing the final decision and order. On September 15, 2016, Parents withdrew the request for a special education hearing without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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

Brette H. Fitton
Hearing Officer Name in Print