

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on Behalf of the Parents: Attorney Andrew Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, Ct 06355

Appearing on Behalf of the Board: Attorney Michelle Laubin  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Was the Program offered by the Board for the 2009-2010 school year appropriate and provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)?
2. Should the Board have provided the Student with extended school year (ESY) for the summer of 2010?
3. Is the Program offered by the Board for the 2010-2011 school year appropriate and provide the Student with FAPE in the LRE?
4. Should the Board be required to pay for the independent evaluation of the Student by Dr. Seese?
5. Should the Board be required to pay for the unilateral placement and necessary transportation of the Student to Aspiro Therapeutic Wilderness Center from June 8, 2010 to July 28, 2010?
6. Should the Board reimburse the Parent for their unilateral placement of the Student at Summit Preparatory Academy for the 2010-2011 school year?
7. Should the Board reimburse the Parent for their unilateral placement of the Student at Summit Preparatory Academy for the summer of 2010?
8. Is the Student entitled to Compensatory Education for the denial of FAPE for the 2009-2010 school year?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is 16 years and 3 months old, has been identified with Emotional Disturbance and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the program offered by the Board for the 2010-2011 school year. The Parents requested placement at Summit Preparatory Academy. The Board refused the Parents' request. On or about September 13, 2010, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The Parties were successful in mediation and the matter was resolved.

An impartial hearing officer was appointed on September 17, 2010 and a pre-hearing conference was held on September 30, 2010. A hearing date of November 3, 2010 was chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and the matter was withdrawn. The date for mailing the Final Decision and Order is November 27, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED.**