

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent:

Attorney Andrew Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, Ct 06355

Appearing on behalf of the Board:

Attorney Michelle C. 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 offered by the Board for the 2011-2012 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 offered by the Board for the 2012-2013 school year appropriate and did it provide FAPE in the LRE?
3. Is the program offered by the Board, for the 2013-2014 school year, appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Is the program at Discovery Ranch for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE?
5. Should the Board reimburse the Parents for the Student's independent educational evaluation performed by Dr. Laura Seese?
6. Should the Board reimburse the Parents for the Student's psycho-educational evaluation performed by Dr. Scott Miler?
7. Should the Board reimburse the Parents for their unilateral placement of the Student at Second Nature from November 1-December 23, 2012 and did it provide the Student with FAPE?
8. Should the Board reimburse the Parents for their unilateral placement of the Student at Discovery Ranch from December 23, 2012 to the end of the 2012-2013 school year and did it provide the Student with FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired- attention deficit disorder (OHI-ADD) 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 rejected the program offered by the Board for the 2013-2014 school year. The Parents requested placement at the Discovery Ranch for the 2013-2014 school year. The Board refused the Parents' request.

On April 30, 2013, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter.

An impartial hearing officer was appointed on April 25, 2013 and a pre-hearing conference was held on May 14, 2013. A hearing date of July 25, 2013 was chosen by the parties.

In an electronic transmission, the parties advised the hearing officer that they were able to resolve some of the issues and required additional time to finalize the matter. A request to cancel the hearing date was granted and an August 30, 2013 hearing date was chosen for the matter.

At the August 30, 2013 hearing date the parties informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is September 13, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITH PREJUDICE.**