

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Groton Board of Education

Appearing on behalf of the Student:

Attorney William McCoy  
Heller, Heller & McCoy  
736 Norwich-New London Turnpike  
Uncasville, CT 06382

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 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Did the Board fail to convene a legal planning and placement team (PPT) at the April 2014 meeting with the appropriate staff present?
3. Does the program offered by the Board for the 2014-2015 school year provide the Student with FAPE in the LRE? If not;
4. Does the program at American School for the Deaf offer the Student FAPE in the LRE?
5. Should the Board pay for the placement of the Student at American School for the Deaf for the 2014-2015 school year?
6. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Deaf 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 were in disagreement with the program provided by the Board for the 2014-2015 school year. The Parents requested placement at American School for the Deaf. The Board refused the Parents' request and the Parents filed for due process.

On July 7, 2014, the Board received notice of the Parents' request for due process. On July 17, 2014 the Parents' attorney amended the due process complaint. The amendment changed the timeline for this matter. The parties agreed to go to a resolution meeting.

An impartial hearing officer was appointed on July 8, 2014 and a pre-hearing conference was held on July 15, 2014. A hearing date was chosen by the parties. In an electronic transmission dated September 26, 2014, the Parents' attorney advised the hearing officer that the parties were able to resolve the issues but requested additional time to prepare and ratify the agreement. On October 9, 2014, the Parents' attorney advised the hearing officer that the agreement had been signed and requested a withdrawal of the matter with prejudice.

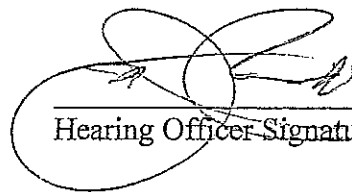
The date for the mailing of the Final Decision and Order was extended to accommodate the signing of the agreement. The date for mailing the Final Decision and Order is October 14, 2014.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**

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