

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Canaan Board of Education

Appearing on behalf of the Parent: Attorney Gerry McMahon
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98 Mill Plain Rd., Ste. 3B
Danbury, CT 06811

Appearing on behalf of the Board: Attorney Andreana Bellach
Shipman & Goodwin, LLP
300 Atlantic Avenue
Stamford, CT 06901

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate child find by not identifying the student as requiring special education and related services according to the Individuals with Disabilities Education Improvement Act (IDEA) in a timely manner? If so,
2. Was the program offered by the Board from June 8, 2016 to the end of the 2015-2016 school year appropriate and did it provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
3. Did the program at Eagle Hill from June 8, 2016 to the end of the 2015-2016 school year provide a meaningful education?
4. Should the Board reimburse the Parents for their unilateral placement of the Student at Eagle Hill from June 8, 2016 to the end of the 2015-2016 school year?
5. Does the program offered by the Board for the 2016- 2017 school year provide the Student with FAPE in the LRE? If not;
6. Does the program at Eagle Hill for the 2016-2017 school year provide a meaningful education?
7. Should the Board reimburse the Parents for their unilateral placement of the Student at Eagle Hill, including extended school year (ESY), for the 2016-2017 school year?
8. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired ADD/ADHD and 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 requested reimbursement for their unilateral placement of the Student. The Board refused the Parents' request.

On November 9, 2016, the Board received notice of the Parents request for due process. An impartial hearing officer was appointed on November 10, 2016 and a pre-hearing conference was held on November 28, 2016. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was December 16, 2016.

In an electronic transmission the parties advised the hearing officer that the matter had been resolved. The parties requested additional time to finalize the agreement. In an electronic transmission the Parents' attorney advised the hearing officer that the agreement had been signed by all parties. The Parents' attorney withdrew the matter with prejudice.

The mailing date of the Final Decision and Order was extended in order to accommodate the resolution of the matter. The date for the mailing of the Final Decision and Order is March 23, 2017.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.