

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Hartford and Achievement First Board of Education

Appearing on behalf of the Surrogate Parent: Attorney Courtney Spencer  
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Appearing on behalf of the Hartford Board: Attorney Fredrick Dorsey  
Kainen, Escalera & McHale, P.C.  
21 Oak Street, Suite 601  
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Appearing on behalf of Achievement First: Elizabeth Knight Adams. Esq.  
81 Wethersfield Ave. Ste. 2  
Hartford CT 06114

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the Board from September 30, 2014 to the end of the 2014-2015 school year appropriate, including extended school year services (ESY), and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board for the 2015-2016 school year, including ESY, appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2016-2017 school appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Is Options Employment and Educational Services (OPTIONS) appropriate and provide the Student with FAPE in the LRE?
5. Should the Board be responsible for the cost of the OPTIONS program for the 2016-2017 school year?
6. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disturbance 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 Surrogate Parent rejected the program offered by the Board for the 2016-2017 school year. The Surrogate Parent requested placement at Options Employment and Educational Services. The Board refused the Surrogate Parent's request. The Student is over the age of eighteen and has granted the Power of Attorney-in-fact to the Surrogate Parent on all educational decision making. The Power of Attorney was signed and witnessed on September 12, 2016.

The Board received notice of the Surrogate Parent's request for due process on October 5, 2016. An impartial hearing officer was appointed on October 5, 2016. A pre-hearing conference by telephone was held on Thursday, October 13, 2016. Hearing dates of January 31, 2016, March 3, 28, 30, April 21 and 24, 2017 were scheduled. On October 27, 2016, the Hartford Board filed a motion to implead Achievement First as a necessary party to this matter. The motion was held in abeyance until the parties mediated the matter. Achievement First filed an objection to the motion and on January 31, 2017, the motion was argued. Achievement First was found to be a necessary party and on February 21, 2017, the Surrogate Parent amended the complaint to include Achievement First as a party in this matter.

The April 21 and 24, 2017 hearing dates were cancelled as the parties resolved the matter at the March 30, 2017 hearing date. At the March 30, 2017 hearing, the Surrogate Parent withdrew the matter with prejudice as to all parties. The date for the mailing of the Final Decision and Order was extended to accommodate the hearing dates. The mailing date of the Final Decision and Order is May 5, 2017.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**