

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Southington and Hartford Boards of Education

Appearing on behalf of the Parent: Attorney Courtney Spencer  
Law Offices of Courtney Spencer, LLC  
100 Riverview Road, Suite 120  
Middletown, CT 06457

Appearing on behalf of Southington Board: Attorney Craig Meuser  
Chinni & Meuser, LLC  
One Darling Drive  
Avon, CT 06001

Appearing on behalf of the Hartford Board: Attorney Julia V. Wilde  
Office of the Corporation Counsel  
City of Hartford  
550 Main Street  
Hartford, CT 06103

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 eligible to receive special education and related services as stated in the Individuals with Disabilities Education Improvement Act (IDEA) in a timely manner?
2. Was the program offered by the Board for the 2016-2017 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE), including extended school year services (ESY)? If not;
3. Is the unilateral placement of the Student at `Forman School for the 2016-2017 school year including ESY providing a meaningful education?
4. Should the Board be responsible for the cost of the unilateral placement of the Student at Forman School?
5. 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 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 Parent rejected the program offered by the Board for the 2016-2017 school year and requested placement at Forman School. The Board refused the Parent's request. The Board received notice of the Parent's request for due process on September 15, 2016 and an impartial hearing officer was appointed on September 19, 2016. A pre-hearing conference by conference telephone was held on Thursday, September 22, 2016. Hearing dates of November 4 and December 22, 2016, February, 14, 28, April 25, May 5, 9 and 12, 2017, were scheduled. The December 22, 2016, and May 9, 2017 hearing dates were cancelled by the parties.

On September 29, 2016, the Southington Board filed a motion to implead the Hartford Board of Education as a necessary party to this matter. Hartford Board of Education filed an objection to the motion and on November 4, 2016, the motion was argued. Hartford Board of Education was found to be a necessary party and on November 18, 2017, the Parent amended the complaint to include Hartford Board of Education as a party in this matter.

At the May 12, 2017 hearing, the Parent withdrew the matter with prejudice as to all parties.

The date for the mailing of the Final Decision and Order was extended to May 26, 2017 to accommodate the hearing dates.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**