

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parent: Gerry McMahon, Esq.  
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Appearing on behalf of the Board: Linda Yoder, Esq.  
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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)? If so;
2. Did the unilateral placement of the Student at Elements Wilderness from June 15, 2015 to August 17, 2015 provide a meaningful education?
3. Should the Board be responsible for the cost of the unilateral placement from June 15, 2015 to August 17, 2015?
4. Did the unilateral placement of the Student at Gateway Academy from August 17, 2015 to January, 22, 2016 provide a meaningful education?
5. Should the Board be responsible for the cost of the unilateral placement at Gateway Academy from August 17, 2015 to January, 22, 2016?
6. Did the unilateral placement of the Student at Cascade Crest Transition Program from January, 23, 2016 to August 4, 2016 provide a meaningful education?
7. Should the Board be responsible for the cost of the unilateral placement of the Student at Cascade Crest Transition Program from January, 23, 2016 to August 4, 2016?
8. Should the Board reimburse the Parents for the cost of the Psychological Test Report by Saasha Sutera, Ph.D.?
9. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has not been identified as entitled to receive FAPE as defined in 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 disagreed with the Board determining the Student ineligible to receive special education and related services. The Parents requested a finding of eligibility and reimbursement for their unilateral placement of the Student. The Board refused the Parents’ request and the Parents filed for due process.

March 9, 2017

Final Decision and Order 17-0152

The Student is over the age of eighteen and the Parents were named Attorneys in Fact in an Educational Power of Attorney.

On September 23, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on September 29, 2016 and a pre-hearing conference was held on October 4, 2016. The Parents agreed to attend a resolution meeting in lieu of mediation; the resolution date was October 14, 2016. In an electronic transmission, the Parents' attorney advised the hearing officer that an agreement in fact had been reached and withdrew the matter without prejudice.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**