

March 16, 2018

Final Decision and Order 18-0190

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Madison Board of Education

Appearing on behalf of the Parents:

Attorney Phillip Cohn
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Norwalk, CT 06854-1964

Appearing on behalf of the Board:

Attorney Michelle Laubin
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Milford, CT 06460

Appearing before:

Raymond J. Rigat, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the district violate its Child Find obligation for the 2016-2017 school year, and related school year period, by failing to identify the student as requiring special education and related services in a timely manner?
2. Was the Individualized Education Program (“IEP”) for the 2017-2018 school year proposed at the August 21, 2017 PPT meeting appropriate?
3. If the District failed to provide the student with a Free Appropriate Public Education (“FAPE”) during the 2016-2017 and/or 2017-2018 school years and related school year periods, did Newport Academy, where the parents unilaterally placed the student from July 6, 2017 to August 25, 2017, provide the student with an appropriate program and are the parents entitled to reimbursement by the district for the costs of the tuition and related expenses for the student’s attendance in this program?
4. If the District failed to provide the student with FAPE during the 2016-2017 and/or 2017-2018 school years and related school year periods, does Innercept Academy, where the parents unilaterally placed the student beginning on August 28, 2017, provide the student with an appropriate program and are the parents entitled to reimbursement by the district for the costs of the tuition and related expenses for the student’s attendance in this program?
5. Are the parents entitled to reimbursement for the cost of therapies, not covered by insurance?
6. Are the parents entitled to reimbursement for the cost of tutoring?

7. Are the parents entitled to reimbursement for the services of an educational consultant retained by the parents to identify an appropriate private program for the student?
8. Are the parents entitled to reimbursement for the cost of all transportation by the parents and the student to Newport Academy and Innercept Academy?
9. Is the student entitled to compensatory education for the denial of FAPE?

PROCEDURAL HISTORY/SUMMARY:

The Parents brought the Due Process Complaint and Hearing Request on November 8, 2017. The Hearing Officer was appointed on November 8, 2017. A prehearing telephone conference took place on November 27, 2017. The initial mailing date was January 22, 2018. A hearing on the complaint was set for January 19, 2018.

On January 12, 2018, the parents requested a thirty-day extension of the mailing date. That request was granted, based on a finding that an extension was not detrimental to the student, with an extended mailing date of February 21, 2018. The hearing scheduled for January 19, 2018, was cancelled.

A second prehearing telephone conference took place on January 26, 2018; and a hearing on the complaint was set for February 9, 2018.

On February 2, 2018, the parents, through counsel, reported that an agreement, in principal, had been reached between the parties, and that the parties requested a postponement of the February 9, 2018 hearing. This request was granted by the Hearing Officer on February 5, 2018; and a hearing on the complaint was set for February 20, 2018.

A third telephone prehearing conference took place on February 16, 2018.

On February 16, 2018, the parents withdrew their Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**