

April 28, 2017

Final Decision and Order 17-0353

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Greenbrier  
dismissed

Student v. Guilford Board of Education

Appearing on behalf of the Student:

Attorney Phillip Cohn  
Goldman, Gruder & Woods, LLC  
200 Connecticut Avenue  
Norwalk, CT 06854-1964

Appearing on behalf of the Board:

Attorney Alyce Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before:

Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District violate its Child Find obligations for the 2014-2015 school year during that portion of the school year beginning on February 15, 2015 through the end of the academic year, by failing to refer the Student for an evaluation and to identify the child as a Student eligible for special education and related services?
2. Did the District violate its Child Find obligations for the 2015-2016 school year by failing to refer the Student for an evaluation and identify the child as a Student eligible for special education and related services?
3. Did the District violate its Child Find obligations for that portion of the 2016-2017 school year beginning on the first day of school and ending on November 2, 2016 (the date on which the child was identified as eligible for special education at a Planning and Placement Team ("PPT") meeting) by failing to identify the child as a Student eligible for special education services?
4. Was the Individualized Education Program ("IEP") for the 2016-2017 school year proposed by the District at the November 2, 2016 PPT meeting appropriate?
5. If the District failed to provide Student with a Free Appropriate Public Education ("FAPE") during the 2016-2017 school year, did True North, where the Parents unilaterally placed Student from October 31, 2016 to February 1, 2017, provide Student with an appropriate program and are Parents entitled to reimbursement by the District for the costs of tuition and related expenses for Student's attendance in this program?
6. If the District failed to provide Student with a FAPE during the 2016-2017 school year was not appropriate, does the Greenbrier Academy, where the Parents have unilaterally placed Student beginning on February 3, 2017 provide Student with an appropriate program and are Parents entitled to reimbursement by the District for the costs of tuition

and related expenses for Student's attendance in this program?

7. Are the Parents entitled to reimbursement for the psychiatric evaluation conducted by Dr. Claudia Califano?
8. Are the Parents entitled to reimbursement for the services of an educational consultant retained by Parents to identify an appropriate private program for Student?
9. If the District failed to provide Student with a FAPE by committing substantive or procedural violations of the Individuals with Disabilities Education Act, is compensatory education in the form of placement at the Greenbrier Academy for the 2017-2018 school year an appropriate remedy?

**PROCEDURAL HISTORY AND SUMMARY:**

On February 15, 2017, the Board received a special education due process hearing request filed by Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on February 22, 2017. During the prehearing conference held on March 2, 2017, May 2, 2017 was set as the hearing date and the deadline for mailing the final decision and order was established as May 17, 2017. On April 25, 2017, the Attorney for the Parents withdrew Parents' request for a special education hearing.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.