

4. Denies the allegations at paragraph numbered 3 of the Complaint, except admits that the student and his mother are not expressly named in the Complaint.
5. Denies the allegations at paragraph numbered 4 of the Complaint, except admits that the District is a duly constituted school district organized under the laws of the State of New York and is a “local educational agency” as that term is defined in the IDEA and as to the last sentence of this paragraph, asserts that the allegations are a purported statement of the applicable law as to which no response is necessary, but to the extent that an answer is nonetheless required, denies the allegations.
6. Denies the allegations at paragraph numbered 5 of the Complaint, except admits that the plaintiff brought an underlying administrative due process proceeding under the IDEA concerning certain issues relating to the student’s 2008-2009 school year.
7. As concerns paragraph numbered 6 of the Complaint, the allegations are a purported statement of the relief requested by the plaintiff herein as to which no response is necessary, but to the extent that an answer is nonetheless required, denies the allegations.
8. As and for its answer to paragraphs numbered 10, 59, 66, 71 and 78 of the Complaint, repeats its answers to the paragraphs preceding those paragraphs of the Complaint as if fully set forth herein.
9. Denies the allegations at paragraph numbered 11 of the Complaint, except admits that in September of 2005, the student entered the District in the sixth grade and remained there through the completion of the eighth grade.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations at paragraph numbered 13 of the Complaint, except admits that the parents contacted the NYU Child Study Center.
11. Denies the allegations at paragraph numbered 14 of the Complaint and respectfully refers the Court to the record below and the decision of the SRO in establishing the student's disability.
12. Denies the allegations at paragraph numbered 15 of the Complaint, except admits that the mother unilaterally placed the students in The Gow School in South Wales, New York.
13. Denies the allegations at paragraph numbered 17 of the Complaint, except admits that in May of 2008, a CSE meeting was held to provide a course of study for the student in his ninth grade at Mamaroneck High School, and that an IEP was issued reflecting the recommendations of the CSE and respectfully refers the court to the contents of the IEP in terms of the mother's position.
14. Denies the allegations at paragraph numbered 18 of the Complaint and respectfully refers the Court to the record below and the decision of the SRO as concerns the allegations therein.
15. Denies the allegations at paragraph numbered 19 of the Complaint, except admits that the District agreed in July of 2008 to make specific changes to the IEP in order to address new information provided by the mother and her concerns and that modifications to the IEP were agreed upon in August of 2008, but that the resulting

IEP was not formally issued until October of 2008 as a consequence of the unilateral placement of the student and the mother's withholding of final approval of the IEP.

16. Denies the allegations at paragraph numbered 21 of the Complaint, except admits that the mother filed a Due Process Complaint.
17. Denies the allegations at paragraph numbered 22 of the Complaint, except admits that due process hearings began on July 30, 2009.
18. Denies the allegations at paragraph numbered 23 of the Complaint, except admits that on January 20, 2010 the Impartial Hearing Officer issued a decision and respectfully refers the Court to that decision for its full, complete and accurate contents.
19. Denies the allegations at paragraph numbered 27 of the Complaint, except admits that both parties appealed from the Impartial Hearing Officer's decision, that the SRO rendered a decision in favor of the District and that the SRO Decision is annexed as Exhibit B to the Complaint.
20. Denies the allegations at paragraph numbered 28 of the Complaint and respectfully refers the Court to the Impartial Hearing Officer's decision for its full, complete and accurate contents.
21. Denies knowledge or information sufficient to form a belief as to the truth of the allegations at paragraph numbered 40 of the Complaint, except admits that the plaintiff appealed the Impartial Hearing Officer's decision.

22. As concerns paragraph numbered 60 of the Complaint, asserts that the allegations are a purported statement of the applicable law as to which no response is necessary, but to the extent that an answer is nonetheless required, denies the allegations.
23. As concerns paragraph numbered 67 of the Complaint, asserts that the allegations are a purported statement of the applicable law as to which no response is necessary, but to the extent that an answer is nonetheless required, denies the allegations.
24. As concerns paragraph numbered 72 of the Complaint, asserts that the allegations are a purported statement of the applicable law as to which no response is necessary, but to the extent that an answer is nonetheless required, denies the allegations.
25. Denies the allegations at paragraph numbered 80 of the Complaint except admits that the student was enrolled in the District for the three school years preceding the plaintiff parent's unilateral placement of the student in a private school.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a cause of action as to each cause of action in the Complaint.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

The Court lacks subject matter jurisdiction over the plaintiff's causes of action other than those exhausted as to the student's 2008-2009 school year because of the plaintiff's failure to exhaust administrative remedies.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

The plaintiff's causes of action other than that challenging the SRO Decision are barred in whole or substantial part by the applicable statutes of limitations.

WHEREFORE, the defendant requests that the Court render an order dismissing the Complaint in all respects and granting the defendant such other and further relief as the Court may deem just and proper.

Dated: September 9, 2010

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