

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Vernon Board of Education and the Capitol Region Education Council (“CREC”)

Appearing on behalf of the Parents:

Attorney Gerry McMahon  
Attorney Colleen Masse  
Law Offices of Gerry McMahon  
98 Mill Plain Road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of the Board:

Attorney Frederick Dorsey  
Kainen, Escalera & McHale, P.C.  
21 Oak Street Suite 601  
Hartford, CT 06106

Appearing on behalf of the CREC:

Attorney Rebecca Santiago  
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 Board deny Student a Free Appropriate Public Education (“FAPE”) in the 2008-2009 academic year by refusing to find Student eligible for Special Education?
2. Did the Board deny Student a FAPE in the 2009-2010 academic year by refusing to find Student eligible for Special Education?
3. Did the Board deny Student a FAPE in the 2010-2011 academic year by refusing to find Student eligible for Special Education?
4. Did the Board deny Student a FAPE in the 2011-2012 academic year by refusing to find Student eligible for Special Education?
5. Did the Board fail to fully evaluate Student in all areas of suspected disability?
6. Did the Board violate Student’s rights under the Individuals with Disabilities Education Act (“IDEA”) by:
  - a. engaging a professional as a consultant without Parent’s knowledge or consent; and/or
  - b. withholding the consultant’s findings from Parents?
7. Did the Board deny Student a FAPE by implementing an outdated Individualized Education Program (“IEP”) in September 2013?
8. Did the Board violate Student’s rights under the IDEA by denying Parents an opportunity to meaningfully participate in the Special Education process by:

March 14, 2014

Final Decision and Order 14-0309

- a. conducting evaluations without Parent consent;
- b. failing to implement IEPs; and/or
- c. sharing misleading and inaccurate information regarding an occupational therapist's report at a Planning and Placement Team meeting held on October 2, 2013?

**PROCEDURAL HISTORY AND SUMMARY:**

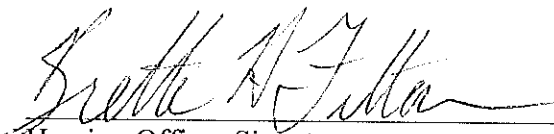
On January 22, 2014, the Vernon Board of Education and the Capitol Region Education Council received a Request for a Special Education Due Process Hearing and the undersigned hearing officer was appointed. On February 24, 2014, a prehearing conference was held and hearing dates were set. At the prehearing conference, the deadline for the mailing of the final decision and order was established as April 7, 2014. On March 13, 2014, Counsel for the Parents withdrew the hearing request.

**FINAL DECISION AND ORDER:**

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

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).

  
Hearing Officer Signature

Brette H. Fitton  
Hearing Officer      Name in Print