

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stonington Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer
Law Office of Courtney Spencer
100 Riverview Suite 120
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Alyce Alfano
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to comply with its obligations pursuant to the Child Find requirements under the Individuals with Disabilities Education Act (“IDEA”)?
2. Did the District commit violations of Student’s Procedural Safeguards under the IDEA?
3. If the District committed any violations of Student’s Procedural Safeguards, did such violation or violations operate to deny Student a Free Appropriate Public Education (“FAPE”)?
4. Did the District fail to provide Student with a FAPE for the portion of the 2012-2013 school year beginning on September 14, 2012?
5. Did the District fail to provide Student with a FAPE for the 2013-2014 school year?
6. Was the program proposed by the District for the 2014-2015 school year appropriate?
7. If the program proposed by the District for the 2014-2015 school year was not appropriate, what is the appropriate program?

PROCEDURAL HISTORY AND SUMMARY:

On September 15, 2014, the Board received Student’s request for a Special Education Due Process Hearing. During the prehearing conference held on October 2, 2014, hearing dates of November 14, 2014 and November 21, 2014 were set and the deadline for mailing the Final Decision and Order was established as November 29, 2014. On October 29, 2014, Attorney for the Student requested a postponement of the November 14, 2014 hearing date. On October 30, 2014, Attorney for the Board indicated that the Student and the Board were now jointly requesting a postponement of both November hearing dates to allow for the parties to engage in mediation on the November 21, 2014 hearing date. A request for extension of the deadline for the mailing of the Final Decision and Order was also made on October 30, 2014. After a

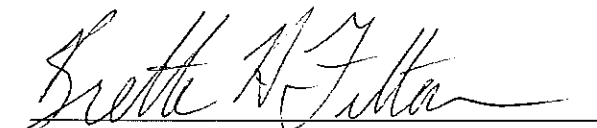
consideration of all the factors, the postponement and extension requests were granted and a new deadline for the mailing of the Final Decision and Order was established as December 29, 2014. After several exchanges of emails regarding the assignment of new hearing dates, January 21, 2015 and January 23, 2015 were identified as the first and second dates for the hearing. On November 4, 2014, the Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the new hearing date schedule. After consideration of all of the relevant factors, this request was granted and a new deadline for the mailing of the Final Decision and Order was established as January 28, 2015. On November 21, 2014, Attorney for the Student withdrew Student's 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