

January 6, 2015

Corrected Final Decision and Order 15-0144

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parent: Attorney Gerry McMahon
The Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Suite 3B
Danbury, CT 06811

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Ridgefield Board of Education ("Board") fail to provide the Student with a free appropriate public education ("FAPE") for the academic years 2012-2013?
2. Did the Board fail to provide the Student with a FAPE for the academic years 2013-2014?
3. Did the Board fail to provide the Student with a FAPE for the academic years 2014-2015?
4. Did the Board inappropriately fail to provide the Student with an extended school year ("ESY") program for any of the school years at issue?
5. Are the Parents entitled to reimbursement for the unilateral placement of the Student at the Prospect School for the 2013-2014 and 2014-2015 academic years?
6. If the Board failed to provide the Student with a FAPE for any of the time periods in question, are compensatory services a proper part of any remedy provided the Student?

PROCEDURAL HISTORY:

The Parents filed this request for a due process hearing on September 12, 2014. A prehearing conference was held on September 29, 2014, from which the issues listed above were identified and a hearing date was set for November 10, 2014. The Parties agreed to utilize mediation in an attempt to resolve the issues and chose a mediation date that coincided with the November 10, 2014 hearing date. The Parties requested an extension of the final decision and order date as well as a postponement of the November 10, 2014d hearing date. The request was granted: the final decision and order date was moved to December 26, 2014 and the hearing date was set for December 8, 2014. On December 1, 2014 the Parties requested a postponement of the December 8, 2014 hearing as they had reached agreement in principle and needed time to formalize a written agreement. The request was granted and the hearing date was moved to December 19, 2014. On December 17, 2014, the Parents informed the hearing officer that they were withdrawing the complaint with prejudice from September 12, 2012 until August 25, 2014, and without prejudice from August 25, 2014 forward for the 2014-2015 academic years.

FINAL DECISION AND ORDER:

With the withdrawal of the complaint by the Parents on December 17, 2014, and with no further issues to be decided, this matter is DISMISSED, with prejudice from September 12, 2012 until August 25, 2014, and without prejudice from August 25, 2014 forward for the 2014-2015 academic years.

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

Robert L. Skelley, Esq.

Hearing Officer Name in Print