

April 23, 2015

Final Decision and Order 15-0352

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Region 9 Board of Education

Appearing on behalf of the Student: Parents, Pro Se

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

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a Free Appropriate Public Education (“FAPE”) for the 2014-2015 academic year?
2. If the District failed to provide Student with a FAPE for the 2014-2015 academic year, what is the appropriate program for Student?
3. Did the District violate Student’s Procedural Safeguards, including, but not limited to, denying Parents a meaningful opportunity to participate, and if so, did such violations result in a denial of a FAPE to Student?

**PROCEDURAL HISTORY AND SUMMARY:**

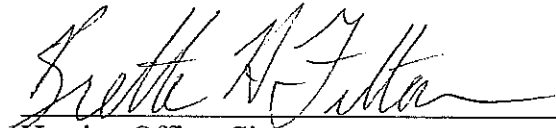
On February 10, 2015, the Region 9 Board of Education received Student’s Request for a Special Education Due Process Hearing and the undersigned Hearing Officer was appointed on the following day. During the prehearing conference held on February 20, 2015, hearing dates of March 23, 2015 and March 27, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as April 26, 2015. On March 4, 2015, Parents requested the postponement of the hearing dates so that the parties could engage in mediation and the Board agreed to this this request. This request was granted and a new hearing date of April 24, 2015 was set. The parties participated in mediation on March 13, 2015. On April 9, 2015, Parents requested an extension of the deadline for the Final Decision and Order in order to accommodate the hearing date schedule. This request was granted on April 10, 2015 and the new deadline of May 26, 2015 was established. On April 14, 2015, Parents requested a postponement of the April 24, 2015 hearing date. This request was denied. On April 15, 2015, Parents sent an email to the Hearing Officer in which they indicated they were withdrawing their hearing request without prejudice.

**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