

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Cheshire Board of Education

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

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for that portion of the 2013-2014 school year beginning on February 23, 2014 and ending at the end of the school year; and if so is Student entitled to receive compensatory education as a result?
2. Did the District deny Student a FAPE for the 2014-2015 school year; and if so is Student entitled to receive compensatory education as a result?
3. Did the District deny Student a FAPE for the 2015-2016 school year, and, if so, does the Franklin Academy provide an appropriate program for Student, and should Student be placed there for the remainder of the 2015-2016 school year, Extended School Year (“ESY”) for the 2016 school year, and for the upcoming 2016-2017 school year?

PROCEDURAL HISTORY AND SUMMARY:

On February 23, 2016, the Board received a request for a special education due process hearing filed by the Attorney for the Parents. On February 25, 2016, the Hearing Officer was appointed by the Connecticut State Department of Education to preside over the matter. During the prehearing conference held on March 21, 2016, a hearing date of June 14, 2016 was set and the deadline for mailing the Final Decision and Order was established as May 6, 2016. On March 21, 2016, Attorney for the Parents sent a letter to the Hearing Officer in which she requested an extension of the mailing deadline in order to allow the parties to engage in mediation. Parents’ request was granted and a new deadline of June 3, 2016 was established. On May 13, 2016, Attorney for the Parents sent a letter requesting that the June 14, 2016 hearing date be postponed so that the parties could utilize that date for mediation. After a consideration of all of the relevant factors and finding that a postponement would not cause educational harm to the child, nor cause financial or other harm to the parties, this request was granted and June 28, 2016 was set as the


first date of hearing. On May 17, 2016, Attorney for the Parents requested a 30 day extension of the June 3, 2016 mailing deadline in order to accommodate the hearing date schedule. This request was granted and resulted in a new deadline of July 1, 2016. On June 21, 2016, Attorney for the Parents requested that the hearing date of June 28, 2016 be cancelled to allow the parties to reduce their agreement to writing. This request was denied. On June 23, 2016, Parents withdrew their hearing request with 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