

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Weston Board of Education

Appearing on behalf of the Student: Attorney Andrew Feinstein
Feinstein Education Law Group
36 Denison Avenue
Mystic, CT 063558

Appearing on behalf of the Board: Attorney Christopher Tracey
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Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Individualized Education Program (“IEP”) developed by the District for the Student for the 2017-2018 school year appropriate?
2. If the District’s 2017-2018 IEP was not appropriate, does Winton Preparatory Academy, where Parents have unilaterally placed Student, offer an appropriate program?
3. Are Parents entitled to reimbursement for all costs associated with Student’s unilateral placement at Winston Preparatory Academy for the 2017-2018 school year?

PROCEDURAL HISTORY AND SUMMARY: On October 27, 2017, the Weston Board of Education received a request for a special education due process hearing filed by the Parents. The undersigned hearing officer was appointed by the Connecticut State Department of Education to preside over the hearing on October 30, 2017. A prehearing conference was held on November 10, 2017. During this conference, the deadline for mailing the final decision and order was established as January 10, 2018 and January 8, 2018 was set as the initial hearing date. Also during the prehearing conference, the Attorney for the Parents requested an extension of the mailing deadline to allow the parties to engage in mediation. The Board did not object to this request. Parents’ request for an extension of the deadline for mailing the final decision and order was granted and resulted in a mailing deadline of February 9, 2018. On January 2, 2018, Parent requested an extension of the mailing deadline from February 9, 2018 to March 9, 2018 and requested a postponement of the the hearing date from January 8, 2018 to February 7, 2018 to allow the parties to engage in mediation, as there had been difficulties obtaining a mediation

February 6, 2018

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date. Parent averred that the Student would not suffer harm as a result of the postponement and after a consideration of all of the relevant factors under R.C.S.A. 10-76h-9(d), both requests were granted on January 2, 2018. On January 30, 2018, Attorney for the Parents requested a postponement of the February 7, 2018 hearing date. This request was denied. On February 1, 2018, Attorney for the Parents filed a motion for reconsideration of the denial of the request to postpone the hearing, which was denied on February 1, 2018. On February 1, 2018, Attorney for the Parents withdrew the request for a special education due process hearing with prejudice.

FINAL DECISION AND ORDER: In light of the above facts, the case is dismissed.