

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Student: Parents

Appearing on behalf of the Board: Attorney Michael P. McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

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”) during the 2016 academic year, the extended school year (“ESY”) in the summer of 2017 and the 2017-2018 academic year under the Individuals with Disabilities Education Act (“IDEA”) by replacing Student’s occupational therapy with a monthly 15 minute consult by a paraprofessional and by providing transportation services which were inappropriate?
2. Is Student’s individualized education program (“IEP”), including transition services, appropriate? If not, what is the appropriate program?
3. Is Student entitled to compensatory education?

PROCEDURAL HISTORY AND SUMMARY: On November 20, 2017, the New Milford Board of Education received a request for a special education due process hearing filed by the Parents. On November 21, 2017, the Connecticut State Department of Education appointed the undersigned hearing officer to preside over the due process hearing. A prehearing conference was held on December 8, 2017 and the deadline for mailing the final decision and order was established as February 2, 2018 and January 19, 2018 was set as the initial hearing date. On January 10, 2018, after concluding one day of mediation, the parties jointly requested a postponement of the January 19, 2018 hearing date in order to participate in an additional day of mediation. On January 11, 2018, Parents requested an extension of the deadline for mailing the final decision and order from February 2, 2018 to March 2, 2018 to allow the parties to schedule and engage in the second day of mediation. Both requests were granted on January 11, 2018. On February 2, 2018, the Board requested a postponement of the February 13, 2018 hearing date and an extension of the mailing deadline from March 2, 2018 to March 30, 2018 because Parent was seeking time to retain legal counsel prior to the second date of mediation which was scheduled for February 21, 2018. On February 5, 2018, Parents joined in both of the Board’s February 2nd requests which were granted on February 7, 2018. The hearing date of February 13, 2018 was postponed to March 14, 2018 and the deadline for mailing the final decision and order was extended to March 30, 2018. On February 14, 2018, the Parents withdrew their request for a special education due process hearing without prejudice.

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