

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Wilton Board of Education

Appearing on behalf of the Parents: Parent Pro Se

Appearing on behalf of the District: Attorney Andreana Bellach  
Attorney Christopher Tracey  
Shipman & Goodwin  
300 Atlantic Avenue  
Stamford, CT 06901

Appearing before: Attorney Ann F. Bird, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

1. Did the Board of Education provide a free appropriate public education to the Student during the 2011-2012 School Year?
2. If not, what is an appropriate remedy?
3. Did the Board of Education retaliate against the Student for exercising rights under special education laws during the 2011-2012 School Year?
4. If so, what is an appropriate remedy?
5. Does the Student's parents' failure to consent to comprehensive evaluations until April 2012 bar the Student's challenge to the Board of Education's provision of a free appropriate public education during the 2011-2012 School Year?
6. Should the State of Connecticut Department of Education be ordered to oversee development and implementation of the Student's IEP for the 2012-2013 School Year?
7. Did the Board of Education offer a free appropriate public education to the Student for the 2012-2013 School Year?
8. If not, what is an appropriate remedy?
9. Did the Student's parents delay and/or fail to complete the psychiatric evaluation of the Student?
10. If so, shall such delay and/or failure bar (in whole or in part) the Student from complaining about the appropriateness of the Student's program for the 2011-2012 and/or 2012-2013 School Years?

**PROCEDURAL HISTORY**

The Student submitted a Request for Impartial Special Education Hearing on May 22, 2012. The Hearing Officer was assigned to the case on May 23, 2012. Telephonic pre-hearing conferences were held on June 5, 2012 and June 26, 2012. Hearing dates of July 24, July 27 and July 31, 2012 were scheduled.

On July 13, 2012, the Student requested leave to amend the Request for Impartial Special Education Hearing. The Board of Education consented to the requested amendment and requested addition of an issue. The Student's request to amend and the Board of Education's request to add an issue were granted.

A hearing was convened on July 24, 2012. At that time, the Board of Education requested a thirty-day postponement and extension of the timelines to conduct the hearings and to file the final decision in this case. The Board of Education's request was granted, and the deadline to issue the final decision was postponed and extended to August 31, 2012.

Also on July 24, 2012, a hearing of the matter was convened. Hearing Officer Exhibits 1 through 4 were marked and entered in the record. Also on July 24, 2012, Board Exhibits 1 through 55 were marked and entered in the record. In addition, the Impartial Hearing Officer took administrative notice of Board Administrative Record Exhibits 1 through 16. On July 24, 2012, Parent Exhibits 1 through 37 and 40 through 82 were marked. The Parent withdrew Parent Exhibits 1, 4 through 9, 54 and 82. Objections to Parent Exhibits 2, 3, 10 (except pages 61 through 70), 14, 26, 28, 43, 44, 45, 47 (except page 9), 51, 52, 55 and 56 were sustained. Parent Exhibits 10 (pages 61 through 70), 12, 13, 15 through 25, 27, 29 through 37 (except handwriting on Parent Exhibit 32), 40 through 42, 46, 47 (page 9 only), 48 through 50, 57 through 70, 72, and 74 through 81 were entered in the record.

On July 24, 2012, the Student's parent testified.

On July 27, 2012, a second hearing date was convened. At that time, an objection to Student Exhibit 11 was sustained. Substituted Parent Exhibits 71 and 73 and Parent Exhibits 83 through 87 were marked and entered in the record. In addition, Board Exhibits 56 and 57 were marked and entered in the record.

On July 27, 2012, the Student's Fifth Grade Phonics teacher and the Student's parent testified.

On July 31, a third hearing date was convened. At that time, the Student and the Board of Education reported that they had reached a knowing and voluntary settlement of the issues in dispute, and requested that the matter be dismissed as to all issues with prejudice.

#### **FINAL DECISION AND ORDER**

It is ordered that the parties' request for dismissal is granted, and this case is dismissed with prejudice.