

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Avon Board of Education

Appearing on behalf of the Parents:

Attorney Courtney Spencer
Law Office of Courtney Spencer, LLC
100 Riverview Center, Suite 120
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Rebecca Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Hearing Officer Brette H. Fitton

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to provide the Student with a Free Appropriate Public Education ("FAPE") from the date of Student's enrollment in the Avon School District in February 2013 through the end of the 2013-2014 academic year?
2. Did the Board fail to provide the Student with FAPE for the Extended School Year in 2014?
3. Is the Board's proposed program for the 2014-2015 school year appropriate?
4. If the Board's proposed program for the 2014-2015 school year is not appropriate, what is the appropriate program?
5. Did the Board commit procedural violations of the Individuals with Disabilities Education Act ("IDEA") by, including, but not limited to:
 - a. denying Parents a meaningful opportunity to participate;
 - b. failing to provide Parents with training;
 - c. failing to consider a continuum of placements;
 - d. failing to conduct appropriate evaluations; and/or
 - e. failing to consider recommendations and reports from outside staff members.
6. If the Board committed procedural violations of the IDEA, did such violations operate to deny the Student a FAPE?

PROCEDURAL HISTORY AND SUMMARY:

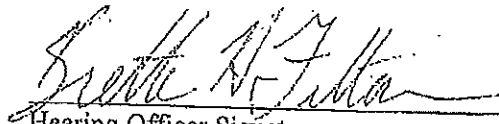
A request for special education due process hearing was received by the Board on June 18, 2014 resulting in a deadline for mailing the final decision and order of September 1, 2014. During the prehearing conference, held on July 9, 2014, Attorney for the Student requested an extension of the deadline for the mailing of the final decision and order in order to accommodate mediation and the scheduled hearing dates of September 9, 2014 and September 17, 2014. There was no objection from the Board to this request and the request was granted, resulting in a new deadline for the mailing of the final decision and order of October 1, 2014. On August 11, 2014, Attorney for the Parents withdrew the hearing request.

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