

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stratford Board of Education

Appearing on behalf of the Student: Parents, Pro Se

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the evaluations conducted by the Board sufficiently comprehensive and appropriate, thereby permitting Board to properly deny Student's request for an Independent Educational Evaluation at public expense?
2. Did the District deny Student a Free Appropriate Public Education ("FAPE") in the Least Restrictive Environment ("LRE") for the portion of the 2012-2013 academic year which began on December 2, 2012?
3. Did the District deny Student a FAPE in the LRE for the 2013-2014 academic year?
4. Did the District deny Student a FAPE in the LRE for the 2014-2015 academic year?
5. Did the District commit procedural violations of Student's rights under the Individuals with Disabilities Education Act and, if so, did such procedural violations operate to deny Student a FAPE?

PROCEDURAL HISTORY AND SUMMARY:

On December 2, 2014, Parents received the Board's Request for Special Education Due Process Hearing. During the prehearing conference held on December 17, 2014, hearing dates of January 16, 2015, January 27, 2015 and February 10, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as January 16, 2015. During this first prehearing conference, the parties agreed to participate in mediation and requested an extension of the deadline for the mailing of the Final Decision and Order in order to provide the parties with time to engage in settlement discussions. This request was granted and resulted in a new mailing deadline of February 15, 2015. Parents' Request for Special Education Due Process Hearing was filed on January 6, 2015 and was assigned to Hearing Officer Bird with the Case Number 15-0297. The deadline for the mailing of the Final Decision and Order for Parents' Request was Friday March 20, 2015. On January 12, 2015, Attorney for the Board filed a Motion to Consolidate Case 15-0261 and Case 15-0297. Parents did not object to the consolidation of the cases. Hearing Officer Bird, after consultation with the undersigned Hearing Officer, issued an order on January 18, 2015 consolidating the two cases. The consolidation

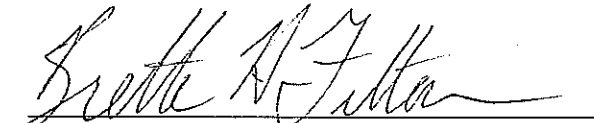
resulted in a March 20, 2015 deadline for the mailing of the Final Decision and Order for both Requests. At the request of the parties, the hearing dates of January 16, 2015, January 27, 2015, and February 10, 2015 were postponed in order to allow the parties to engage in mediation on February 10, 2015. New hearing dates of March 9, 2015, March 20, 2015, and March 30, 2015 were established. On February 13, 2015, a second prehearing conference was held. On February 27, 2015, Attorney for the Board indicated that the parties had reached a settlement, had reduced such to writing, and were circulating the agreement for signatures. On that same date the parties were informed that if both Requests were not withdrawn before 4:00 p.m. on March 6, 2015, the matter would be dismissed on the record on the first date of hearing, March 9, 2015. Attorney for the Board sent a communication withdrawing the Board's Request with prejudice in advance of the established deadline. Parents' communication withdrawing their Request with prejudice was sent after the established deadline. On March 9, 2015, the undersigned Hearing Officer appeared for the first date of hearing and dismissed both Requests based on the withdrawals received on March 6, 2015.

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