

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Student: Attorney Elizabeth Moyse
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 6784

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. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for the Extended School Year (“ESY”) during the summer of 2012?
2. Did the District deny Student a FAPE for the 2012-2013 academic year?
3. Did the District deny Student a FAPE for the ESY during the summer of 2013?
4. Did the District deny Student a FAPE for the 2013-2014 academic year?
5. Did the District deny Student a FAPE for the ESY during the summer of 2014?
6. Did the District deny Student a FAPE for the 2014-2015 academic year?
7. Did the District violate Student’s rights under Section 504 of the Rehabilitation Act?
8. Did the District violate Student’s rights under Title II of the Americans with Disabilities Act (“ADA”)?
9. Did the District err when it determined that Student’s actions which resulted in disciplinary action by the school were not a manifestation of his disability?

PROCEDURAL HISTORY AND SUMMARY:

On March 13, 2015, the Board received Student’s request for Special Education Due Process Hearing. During the prehearing conference held on March 23, 2015, Issue 9 was identified as an expedited issue and the hearing date below was set in order to have that matter addressed within the 20 day deadline in which to hold the hearing. The deadline for the filing of the final decision and order on the expedited issue shall be April 2, 2015. All other issues were determined to be subject to the non-expedited timelines and the deadline for the mailing of the Final Decision and Order for those issues was established as Friday, May 26, 2015. Hearing dates for the remaining issues were to be determined on the first date of hearing. Jurisdictional challenges were raised as to claims beyond the 2 year statutory period permitted under the Individuals with Disabilities

April 1, 2015

Final Decision and Order 15-0411

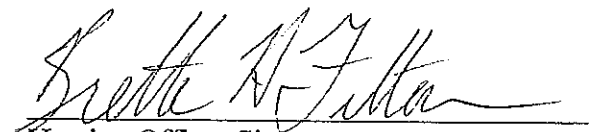
Education Act and those claims relating to violations of Section 504 and Title II of the ADA. Arguments on the jurisdictional challenges were to be heard on the first date of hearing. On March 27, 2015, Attorney for the Student withdrew the hearing request with prejudice.

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