

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on Behalf of the Student:

Attorney Andrew Feinstein  
86 Denison Avenue  
Mystic, CT 06355

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 for the 2014-2015 academic year?
2. If Student's program and placement for the 2014-2015 academic year is not appropriate, what is the appropriate program and placement?

**PROCEDURAL HISTORY AND SUMMARY:**

On April 9, 2015, the Newtown Board of Education received Parents' request for a Special Education Due Process Hearing. The undersigned Hearing Officer was appointed on April 10, 2015. During the prehearing conference held on April 30, 2015, the hearing date of June 22, 2015 was set and the deadline for mailing the Final Decision and Order was established as June 23, 2015. Also during this prehearing conference, the Parents requested an extension of the deadline for the mailing of the Final Decision and Order in order to permit the parties to participate in mediation and accommodate the agreed upon hearing date. This request was granted and resulted in a new deadline of July 23, 2015. On June 16, 2015, the parties jointly requested that the first scheduled hearing date of June 22, 2015 be postponed to allow for the parties to engage in mediation on that date. After a consideration of all of the relevant factors, this request was granted. Mediation was unsuccessful and a second prehearing conference was held on June 26, 2015. During this conference, hearing dates of August 24, 2015, September 11, 2015, September 15, 2015 and September 18, 2015 were scheduled. Also during this conference, Parent indicated that Parents were in the process of retaining counsel. Parent was informed that when counsel was retained, and their attorney requested a postponement of any of the scheduled hearing dates, the request would be considered at the time it was filed. On July 13, 2015, Parents requested a thirty day extension of the deadline for the mailing of the Final Decision and Order to accommodate the agreed upon hearing date schedule. After fully considering the position of the parties and all of the relevant factors, Parents' request was granted

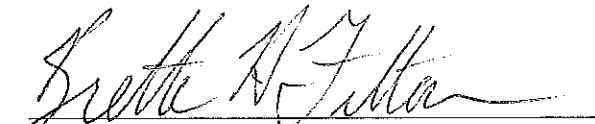
and resulted in a new deadline of August 21, 2015. On August 4, 2015, Attorney Andrew Feinstein filed an appearance on behalf of the Parents. Attorney for the Parents requested an extension of 30 days in order to accommodate the existing hearing date schedule. Attorney for the Parents certified that granting of the extension would not cause educational or financial harm to either party. The Board did not object to his request. After fully considering the position of the parties and all of the relevant factors, Parents' request was granted and resulted in a new deadline of September 18, 2015. On August 18, 2015, Attorney for the Student requested a postponement of the August 24, 2015 hearing date in order to have additional time to prepare for the hearing given his recent appearance in the matter. The Board did not object to his request. After a consideration of all of the relevant factors, this request was granted. On September 8, 2015, the Hearing Officer cancelled the September 11, 2015 hearing date due to a death in her family. On September 10, 2015, Attorney for the Parent requested postponement of the September 15, 2015 hearing date, due to the illness of her client. This request was granted and the hearing was set to go forward on September 18, 2015. On September 15, 2015, the Attorney for the Parents withdrew their request for a Special Education Due Process Hearing 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