

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Wilton Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon  
The Law Offices of Gerry McMahon, LLC  
98 Mill Plain Road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of the Board of Education: Attorney Andreana Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Avenue Street, 3<sup>rd</sup> Floor  
Stamford, CT 06901-3522

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board of Education offer the Student a free appropriate public education (FAPE) for the 2013-2014 School Year?
2. Did the Board of Education offer the Student a FAPE for the 2014-2015 School Year?
3. Did the Board of Education offer the Student a FAPE for the 2015-2016 School Year?
4. If not, was the Student's unilateral placement at Winston Prep Academy for the 2014-2015 and/or the 2015-2016 School Year appropriate?
5. If so, is the Student entitled to reimbursement for the expense of the Winston Prep Academy placement?
6. If the Board of Education did not offer the Student a FAPE for the 2013-2014 School Year, is the Student entitled to compensatory education services?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in the above-captioned matter on August 17, 2015. The Impartial Hearing Officer was appointed to hear the case on August 19, 2015. A telephonic pre-hearing conference was conducted on August 27, 2015. Attorney Andreana Bellach appeared on behalf of the Board of Education and Attorney Gerry McMahon appeared on behalf of the Student. Evidentiary hearings were scheduled for November 9, 2015 and November 13, 2015. The deadline for completing the hearings and issuing the final decision was established as October 30, 2015.

On August 31, 2015, the Student submitted a written request to postpone the evidentiary hearings to allow the parties an opportunity to mediate the dispute, with the expectation that mediation would be conducted on November 9, 2015. That request was granted and hearing dates were scheduled for December 4, 2015 and December 11, 2015. In addition, the Student requested a thirty-day postponement and extension of the timeline to conduct the hearing and to file the final decision in this case to November 27, 2015. The Board of Education consented to the requested postponement and it was granted.

On November 6, 2015, the Student submitted a written request to cancel the evidentiary hearings and extend the timeline to conduct the hearing and file the final decision to December 24, 2015 because the Student's mother had a medical emergency that rendered her unavailable for several weeks. The Board of Education consented to the requested cancellation and extension and they were granted.

On December 18, 2015, the Student reported that the mother was improved. On the same day, the Board reported that the parties had reached an agreement in principal for settlement of the case. The Board requested an extension of the timelines to conduct the hearing and issue a final decision so that the parties could finalize and document their settlement. The Student supported the request and it was granted.

On January 20, 2016, the Student and the Board of Education requested a final extension of the timelines to conduct the hearing and issue a final decision so that the parties could finalize and document their settlement. The request was granted.

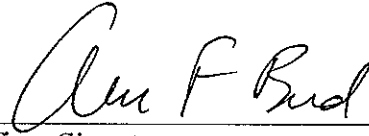
On February 15, 2016, the Student reported that the dispute had been resolved and requested that the case be dismissed.

**FINAL DECISION AND ORDER:**

It is ordered that the Student's request for dismissal is granted and this matter 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).



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Hearing Officer Signature

ANN F BIRD

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Hearing Officer      Name in Print