

**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 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. Was the Individualized Education Program, proposed for Student for the 2015-2016 school year reasonably calculated to provide Student with a Free Appropriate Public Education or does Student require a residential therapeutic program?
2. If the Board's proposed program for the 2015-2016 school year was not appropriate, does the Grove School offer an appropriate program, and if so, are parents entitled to reimbursement for Student's placement at this program?

**PROCEDURAL HISTORY AND SUMMARY:**

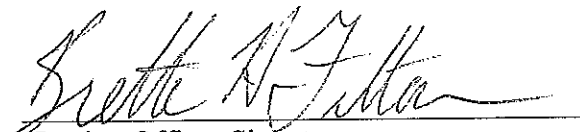
On October 26, 2015, the Board received a Special Education Due Process Hearing Request filed by Parents. The undersigned Hearing Officer was appointed on October 28, 2015. During the prehearing conference held on December 1, 2015, hearing dates of February 9, 2016 and February 22, 2016 were set and the deadline for mailing the Final Decision and Order was established as Friday, January 8, 2016. An oral request for extension of the mailing deadline was made during the prehearing conference in order to allow the parties to participate in settlement negotiations and to accommodate the agreed upon hearing date schedule. This request was granted and a new deadline of February 5, 2016 was established. On January 7, 2016, Attorney for the Parents requested an extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the scheduled hearing date. This request was granted and resulted in a new deadline of March 4, 2016. On February 2, 2016, Attorney for the Parents requested a postponement of the first hearing date in order to allow the parties to finalize a settlement agreement. The Board did not object to this request. The request to postpone the February 9, 2016 hearing date was granted. On February 18, 2016, Attorney for the Parents sent a letter via email to the Hearing Officer in which she indicated Parents were withdrawing their Special Education Due Process 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