

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Guilford Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner
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Appearing on behalf of the Board: Attorney Linda Yoder
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100 Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to meet its “child find” obligations under the Individuals with Disabilities Education Act (“IDEA”) by not referring the Student for an evaluation before April 8, 2015?
2. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for the 2014-2015 school year by not providing Student with special education and/or related services and an Individualized Education Program (“IEP”) until May 21, 2015?
3. Was the District’s proposed program for the Extended School Year (“ESY”) in the summer of 2015 appropriate?
4. If the District’s proposed program for ESY 2015 was not appropriate, was the program at The Learning House, where the Student was placed by Parents during the summer of 2015, appropriate and are Parents entitled to reimbursements for the cost of the Learning House program?
5. Was the IEP developed by the District for the 2015-2016 school year appropriate?
6. If the District’s 2015-2016 proposed IEP was not appropriate, does inclusion of placement at The Learning House for a portion of the school week provide Student with an appropriate program, and are Parents entitled to reimbursement for those costs?

PROCEDURAL HISTORY AND SUMMARY:

On December 3, 2016, the Board received a Special Education Due Process Hearing Request filed by Parents and the Hearing Officer was appointed by the Connecticut State Department of Education. During the prehearing conference held on January 28, 2016, the hearing date of March 7, 2016 was set and the deadline for mailing the Final Decision and Order was established as February 16, 2016. During the course of the prehearing conference, Attorney for the Parents requested an extension of the mailing deadline in order to permit the parties to engage in mediation. The Board did not object to this request. After a consideration of all of the relevant factors, this request was granted and a new deadline of March

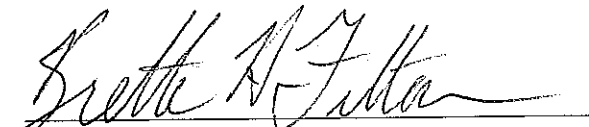
17, 2016 was established. On February 29, 2016, the Attorney for the Parents requested an extension of the March 17, 2016 hearing deadline and the March 7 hearing date in order to allow the parties to engage in mediation on March 2, 2016. These requests were granted. April 18, 2016 was established as the new hearing date and the mailing deadline was postponed to April 15, 2016. The parties subsequently reported that they were successful at mediation and were reducing their agreement to a writing. On March 23, 2016, Attorney for the Parents requested an extension of the mailing deadline, as the finalizing of the settlement agreement had been delayed by illness. After a consideration of all of the relevant factors, this request was granted and resulted in a new mailing deadline of May 13, 2016. On April 13, 2016, Attorney for the Parents withdrew the request for a hearing.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed without prejudice.

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