

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: 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: 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 violate its Child Find obligation by failing to promptly and comprehensively evaluate and identify Student as a child in need of special education and related services during the period beginning December 10, 2013 through the end of the 2013-2014 school year and continuing through the Extended School Year (“ESY”) in the summer of 2014?
2. Did the District violate its Child Find obligation by failing to promptly and comprehensively evaluate and identify Student as a child in need of special education and related services during the period beginning with the 2014-2015 school year and continuing through the ESY in the summer of 2015?
3. Did the District violate its Child Find obligation by failing to promptly and comprehensively evaluate and identify Student as a child in need of special education and related services during the 2015-2016 school year?
4. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for that portion of the 2013-2014 school year beginning on December 10, 2013 and running through the end of the 2013-2014 school year by failing to provide Student with an Individualized Education Program (“IEP”) to meet Student’s needs?
5. Did the District deny Student a FAPE for the 2014-2015 school year by failing to provide Student with an IEP to meet Student’s needs?
6. Did the District deny Student a FAPE for the 2015-2016 school year by failing to provide Student with an IEP to meet Student’s needs?
7. Did the District deny Student a FAPE under Section 504 for the 2013-2014, 2014-2015, and 2015-2016 school years?

PROCEDURAL HISTORY AND SUMMARY:


On December 10, 2015, the Board received a Special Education Due Process Hearing Request filed by Student and the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the matter. During the prehearing conference held on December 30, 2015, hearing dates of February 11, 2016, March 3, 2016, March 9, 2016, and March 16, 2016 were set and the deadline for mailing the Final Decision and Order was established as February 23, 2016. On February 1, 2016, Attorney for the Student withdrew Parents' Special Education Due Process Hearing Request without 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