

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Wethersfield Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer
Law Office of Courtney Spencer LLC
100 Riverview Center, Suite 120
Middletown, CT 06457

Appearing on behalf of the Board of Education: Attorney Peter Maher
Shipman & Goodwin LLP
One Constitution Plaza
Hartford CT 06103-1919

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer an appropriate program for the 2014-2015 (after December 2, 2014), 2015-2016 and 2016-2017 School Years, including the 2016 Extended School Year?
2. If not, is placement at Ben Bronz Academy the appropriate program for the Student for the 2016-2017 School Year and should the Board of Education be ordered to place the Student at Ben Bronz Academy for the 2016-2017 School Year?
3. Is the Student entitled to compensatory education?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on December 5, 2016. This Impartial Hearing Officer was also appointed to hear the case on December 5, 2016. A telephonic pre-hearing conference was convened on February 16, 2017. Attorney Courtney Spencer appeared on behalf of the Student and Attorney Peter Maher appeared on behalf of the Board of Education. The initial deadline for issuing the Final Decision and Order was established to be February 15, 2017. Evidentiary hearings were scheduled for May 17, 2017 and May 22, 2017.

On January 18, 2017, Counsel for the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 17, 2017. The purpose of the requested postponement and extension was to accommodate the parties' schedule. Counsel for the Student agreed to the requested postponement and it was granted.

On March 8, 2017, Counsel for the Student submitted a second written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final

decision in this case to April 14, 2017. The purpose of the requested postponement and extension was to accommodate the parties' schedule and it was granted.

On March 8, 2017, Counsel for the Student provided the Hearing Officer with assurance that the extent of danger to the child's educational interest or well-being occasioned by the delay was minimal, that no financial or other detrimental consequence was likely to be suffered by a party due to the delay. Counsel for the Board consented to the request and it was granted.

On April 7, 2017, Counsel for the Student submitted another written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to May 12, 2017. The purpose of the requested postponement and extension was to allow the parties' time to finalize a settlement. The Board did not oppose the request and it was granted.

On May 8, 2017, Counsel for the Student submitted a written request for a final short postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to May 15, 2017. The purpose of the requested postponement and extension was to allow the parties' time to finalize the settlement. The Board did not oppose the request and it was granted.

On May 10, 2017, Counsel for the Student reported that the parties had finalized their settlement and requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request is granted and the matter is dismissed with prejudice.