

May 11, 2017

Final Decision and Order 17-0318

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parents: Attorney Phillip Cohn
Goldman, Gruder, & Wood, LLC
200 Connecticut Avenue
Norwalk, CT 06854

Appearing on behalf of the Board: Attorney Marsha Moses
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 by the District for the 2016-2017 school year appropriate?
2. If the program proposed by the District was not appropriate, does the Easton Country Day School, where the parents unilaterally placed Student for the 2016-2017 school year offer an appropriate program and are Parents entitled to reimbursement for tuition and related costs for the Student's attendance at Easton Country Day?
3. If the program proposed for the 2016-2017 school year was not appropriate, is Student entitled to the remedy of compensatory education in the form of Extended School Year services for the summer of 2017?

PROCEDURAL HISTORY AND SUMMARY:

On January 20, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on January 26, 2017. During the prehearing conference held on February 27, 2017, April 20, 2017 was set as the initial hearing date and the deadline for mailing the final decision and order was established as April 5, 2017. During the prehearing conference, Attorney for the Parents requested an extension of the mailing deadline to allow the parties to engage in a mediation which had been tentatively scheduled for April 5, 2017. The Board did not object to this request. The request for extension was granted and resulted in a new mailing deadline of May 5, 2017. On April 11, 2017, Attorney for the Parents requested a postponement of the April 20, 2017 hearing date and a postponement of the deadline for mailing the final decision and order in order to accommodate a change in the scheduled mediation date resulting from an illness. The Board joined in these requests. On April 13, 2017, after a consideration of all of the relevant factors, the requests to postpone the hearing date and to extend the deadline for

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the filing of the final decision and order were granted. The new deadline for mailing the final decision and order was set as June 2, 2017 and May 19, 2017 was set as the initial hearing date. On May 10, 2017, the Attorney for the Parents withdrew the request for a special education due process hearing with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.