

October 11, 2018

Final Decision and Order 19-0090

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Fairfield Board of Education

Appearing on behalf of the Student:

Attorney Terry Bedard
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Glastonbury, CT 06033

Appearing on behalf of the Board:

Attorney Rebecca Santiago
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One Constitution Plaza
Hartford, CT 06103

Appearing Before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the New Fairfield Board of Education (“Board”) fail to provide Student with a Free and Appropriate Public Education (“FAPE”) for the 2017-18 and/or the 2018-19 school year?
2. Should the Board have proposed and/or provided an Extended School Year (“ESY”) program for student in 2017 and again in 2018?
3. Did the Board provide an appropriate evaluation for Student in 2018?
4. Did the Board fail to provide an appropriate Individualized Education Program (“IEP”) for the student for the 2017-18 school year?
5. Did the Board fail to conduct a triennial evaluation of the Student in 2018?
6. Did the Board fail to act in a reasonable time to obtain parental consent to obtain information from the “Appropriate Placement”?
7. Did the Board offer an appropriate IEP on May 31, 2018 within the required time period?
8. Did the Board fail to amend the May 31, 2018 IEP appropriately?
9. Should the Board reimburse Parents for an independent evaluation?
10. Should the Board reimburse Parents for the additional cost required to provide an appropriate program (assistive technologies, etc.) at the Appropriate Placement?
11. Should the Board reimburse Parents for the costs of the ESY for 2017 and 2018?

PROCEDURAL BACKGROUND:

Counsel for the Student filed this Request for Due Process Hearing on August 14, 2018. The Hearing Officer was assigned on August 16, 2018. A Prehearing Conference was scheduled, and held on August 29, 2018, at which a hearing date was initially set for September 26, 2018, with the date for mailing the final decision and order to be October 26, 2018. Counsel reported that mediation had been scheduled for this matter and requested extensions of time to attempt to reach a settlement. The hearing date was then extended by agreement to October 29, 2018, with the date for mailing the final decision of November 29, 2018. On October 10, 2018, Counsel for the Student informed the Hearing Officer in writing that they had reached a settlement of the matter, and the student's claims have been withdrawn.

FINAL DECISION AND ORDER:

The case is DISMISSED without prejudice.