

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Region 9 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: Attorney Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06457

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District err by not convening a Planning and Placement Team ("PPT") meeting until May 6, 2016, after Parents notified the District of their intent to place Student at the Elevations School on February 10, 2016?
2. Did the District err by not holding an annual review PPT meeting for Student during the 2015-2016 school year?
3. Did the District err by not considering the evaluation Parents tendered for consideration at the May 6, 2016 PPT meeting?
4. Did the District err by failing to provide any goals and objectives for Student after May 6, 2016?
5. Did the District err by not proposing an Individualized Education Program ("IEP") for the 2015-2016 school year?
6. Did the District err by not proposing an IEP for the Extended School Year in the summer of 2016?
7. Did the District err by not proposing an IEP for the 2016-2017 school year?
8. Did the District err by not conducting appropriate evaluations of Student?
9. Did the District commit procedural violations of the Individuals with Disabilities Education Act ("IDEA"), including but not limited to;
  - a. failing to hold PPT meetings in a timely manner;
  - b. failing to allow meaningful parental participation; and/or
  - c. failing to consider information provided by parents?
10. If the District committed a procedural violation or violations of the IDEA, did such violations operate to deny Student a Free Appropriate Public Education ("FAPE")?
11. If the District denied Student a FAPE, does the Elevations School provide an appropriate program for Student? If the Elevations school provides an appropriate program should Student be placed there for the 2016-2017 school year and should Parents be reimbursed for costs of attendance from date of enrollment through the conclusion of the hearing?

**PROCEDURAL HISTORY AND SUMMARY:**

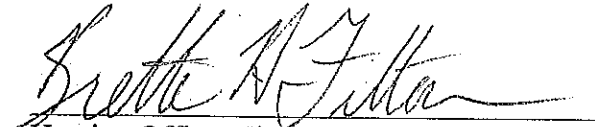
On May 24, 2016, the Board received a request for a special education due process hearing filed by Attorney for the Parents. On May 25, 2016, the Connecticut State Department of Education appointed this Hearing Officer to preside over the due process hearing. During the prehearing conference held on June 10, 2016, hearing dates of August 31, 2016 and September 12, 2016 were set and the deadline for mailing the final decision and order was established as August 5, 2016. On June 13, 2016, Attorney for the Parents requested an extension of the mailing deadline in order to accommodate the agreed upon hearing schedule. The Board agreed to this request. After a consideration of all of the relevant factors, this request was granted and resulted in a new deadline of September 2, 2016. On August 19, 2016, Attorney for the Parents requested a postponement of the August 31, 2016 hearing date in order to finalize a settlement agreement and an extension of the deadline for the mailing of the final decision and order, as a postponement of the first hearing date would result in the mailing deadline falling before the first hearing date. On August 23, 2016, Attorney for the Board joined in the Parents' postponement and extension requests. After a consideration of all of the relevant factors, the requests for a postponement of the hearing date and of the mailing deadline were granted and the new mailing deadline of September 30, 2016 was set. On September 7, 2016, Parents withdrew the request for a special education hearing with 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