

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v Ridgefield Board of Education

Appearing on behalf of the Student: 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 Marsha Moses
Berchem, Moses, Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to comply with its "Child Find" obligations under 20 U.S.C. §1412(a)(3); 34 C.F.R. 300.111?
2. Did the Board fail to provide Student with a Free Appropriate Public Education ("FAPE") for the 2013-2014 school year by:
 - a. Failing to offer an appropriate Individualized Education Program which would be in place on the first day of school;
 - b. Failing to comply with the mandated timeframe for a Diagnostic Placement, in violation of R.S.C.A. § 10-76d-14;
 - c. Failing to provide an appropriate Diagnostic Placement on October 4, 2013; and/or
 - d. Predetermining the program it offered Student on February 4, 2014?

PROCEDURAL HISTORY AND SUMMARY:

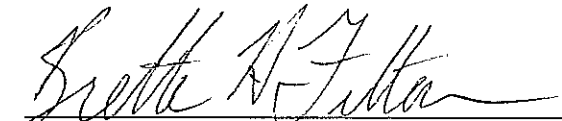
On June 9, 2015, the Board received the Parents' Special Education Due Process Hearing Request. The undersigned Hearing Officer was appointed on June 10, 2015. During the prehearing conference held on June 15, 2015, hearing dates of August 26, 2015 and August 28, 2015 were selected and the deadline for the mailing of the Final Decision and Order was established as August 21, 2015. On July 1, 2015, Attorney for the Student sent an email to the Hearing Officer indicating the matter had settled and that the Parents were withdrawing their Special Education Due Process Hearing request 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