

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Cromwell Board of Education

Appearing on behalf of the Student: Parent

Appearing on behalf of the Board: Attorney Alyce Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District commit a procedural violation of the Individuals with Disabilities Education Act (“IDEA”) by failing to have Mother participate in the Planning and Placement Team (“PPT”) meeting on December 16, 2016 at which the manifestation determination was made? If the Board committed this procedural violation of the IDEA, did such violation operate to deny Student a Free Appropriate Public Education?
2. Is District’s proposed Individualized Education Program with placement at the Woodland School, which was discussed at the November 23, 2016 PPT meeting and recommended at the December 16, 2016 PPT meeting, appropriate? If the placement is not appropriate, what is the appropriate program?

**PROCEDURAL HISTORY AND SUMMARY:**

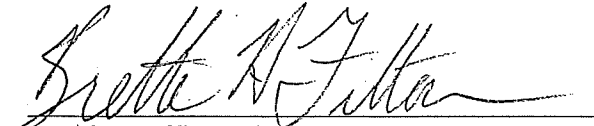
On December 19, 2017, the Board received a request for a special education due process hearing filed by Parent. The Connecticut State Department of Education (“CSDE”) appointed the undersigned Hearing Officer to preside over the matter on December 21, 2017. The case was originally assigned as an expedited matter by the CSDE. Subsequent correspondence between the Hearing Officer and the Parties established that Parent did not disagree with the determination of the Planning and Placement Team at the manifestation determination meeting, but rather Parent disagreed with the placement proposed by the District and the District’s holding of the manifestation determination meeting in her absence. Given this information and written confirmation from Parent that she was not seeking an expedited hearing, the case was processed as a non-expedited matter. During the prehearing conference held on January 20, 2017, March 24, 2017 was set as the hearing date, the deadline for mailing the Final Decision and Order was established as March 3, 2017. In response to discussion of the Board’s challenges to the sufficiency of the request, Parent was given the opportunity to amend her hearing request, which she did on January 23, 2017. The filing of this amended complaint restarted the deadline for mailing the final decision and order and resulted in a new mailing deadline of April 7, 2017. On February 14, 2017, Parent withdrew her request for a due process hearing.

**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