

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Region 5 Board of Education

Appearing on behalf of the Student:

Attorney Courtney Spencer  
Law Office of Courtney Spencer LLC  
100 Riverview Center, Ste 120  
Middletown, CT 06457

Appearing on behalf of the Board of Education:

Attorney Christine Sullivan  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board of Education offer the Student a Free Appropriate Public Education for the 2014/2015, 2015/2016 and 2016/2017 School Years, including the 2015 Extended School Year and the 2016 Extended School Year?
  - a. If the Board of Education did not so provide, does the Student require a residential placement?
  - b. If the Board of Education did not so provide and the Student requires a residential placement, is the Grove School residential program appropriate?
  - c. If the Board of Education did not so provide and the Student requires a residential placement and the Grove School is appropriate, should the Student be reimbursed for the expense of the Grove School residential program and/or be placed at the Grove School residential program?
2. If the Board of Education did not provide a free appropriate public education for the 2015 Extended School Year and the Student required a residential program at that time, was the Trails program appropriate?
  - a. If so, should the Student be reimbursed for the expense of the Trails program?
3. If the Board of Education did not provide a free appropriate public education for any part of the relevant time, is the Student entitled to compensatory education?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in the above-captioned matter on August 30, 2016. This Impartial Hearing Officer was appointed to hear the case on September 7, 2016. A telephonic pre-hearing conference was convened on September 23, 2016. Attorney Courtney Spencer appeared on behalf of the Student and Attorney Christine

Sullivan appeared on behalf of the Board of Education. At that time, it was agreed that the deadline to complete the hearing and issue the Final Decision and Order was November 10, 2016. Evidentiary hearings were scheduled for December 6, 2016 and December 7, 2016.

On September 23, 2016, the Student requested a thirty-day postponement and extension of the deadline to complete the hearing and issue the Final Decision and Order. The purpose of the extension is to accommodate the hearing schedule. The Board of Education did not object and the request was granted, extending the deadline to December 9, 2016.

On November 28, 2016, the Student reported that the parties reached an agreement for resolution of the case. On December 6, 2016, the Student requested an additional extension of the deadline to allow the parties time to finalize the agreement. The Board of Education did not object to the request and it was granted. On December 14, 2016, the Student requested an additional extension of the deadline to allow the parties time to finalize the agreement. This additional extension was made necessary by illness of the Student's counsel.

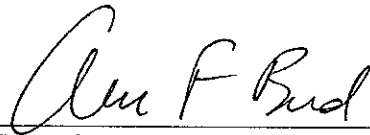
On January 10, 2017, the Student requested that the matter be withdrawn or dismissed without prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the Student's request is granted and the matter is dismissed without prejudice.

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

Ann F Bird

Hearing Officer

Name in Print