

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport 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 Andreana Bellach
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Is the Individualized Education Program ("IEP") proposed by the District for that portion of the 2016-2017 school year beginning on September 1, 2016 appropriate?
2. If the IEP for the 2016-2017 school year is not appropriate, does the May Center School provide an appropriate program and should Student be placed there?
3. Is the District obligated to provide Student with the following equipment: a Rifton walker, Rifton Chair, toilet seat with two toilet safety frames with harness and belt, shower chair, stroller, bike, and augmentative communication device in order to ensure Student has access to a Free Appropriate Public Education?

PROCEDURAL HISTORY AND SUMMARY:

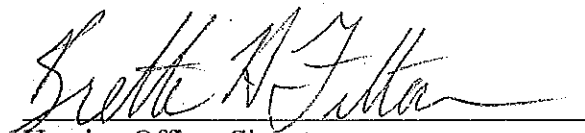
On July 14, 2016, the Board received a request for a special education due process hearing that was filed by Attorney for the Student. During the prehearing conference held on August 10, 2016, hearing dates of October 28, 2016 and November 4, 2016 were scheduled and the deadline for mailing the final decision and order was established as September 27, 2016. During the prehearing conference, the parties jointly requested a thirty day extension of the mailing deadline in order to allow the parties time to engage in mediation and to accommodate the hearing date schedule. This request was granted and resulted in a new mailing deadline of October 27, 2016. The parties engaged in mediation on August 16, 2016, which was not successful. On September 26, 2016, Attorney for the Parent submitted a written request for an extension of the mailing deadline in order to accommodate the agreed upon hearing date schedule. After a consideration of all of the relevant factors set forth under R.C.S.A. §10-76h-9(d), this request was granted and resulted in a new mailing deadline of November 25, 2016. On October 27, 2016, Attorney for the Parents withdrew their 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