

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parent:

Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214 E
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901

Appearing before:

Attorney Brette Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District deny Student a Free Appropriate Public Education ("FAPE") during the Extended School Year of summer 2015 as a result of substantive and/or procedural violations of the Individuals with Disabilities Education Act?
2. Did the District deny student a FAPE during the 2015-2016 school year as a result of substantive and/or procedural violations of the Individuals with Disabilities Education Act?
3. If the Board's program for the 2015-2016 school year was not appropriate, does the SPIRE School offer an appropriate program and if such program is appropriate is the District responsible for reimbursing Parents for the costs incurred as a result of Student enrollment?

PROCEDURAL HISTORY:


On September 14, 2015, the Board received a Special Education Due Process Hearing Request from Student; the undersigned Hearing Officer was appointed the same day. The parties held a resolution session on September 30, 2015, have engaged in mediation and have been unsuccessful in resolving the differences between them. During the prehearing conference on October 16, 2015, December 16, 2015 was set as a hearing date and the mailing date for the Final Decision and Order was established as November 27, 2015. Both parties agreed at the prehearing conference that an extension of the mailing date was necessary. Attorney for the Student requested a 30-day extension of the mailing date via email on October 16, 2015, indicating that the request had not been submitted for the purpose of delay, but to accommodate the scheduling of hearing dates. He also stated that no prejudice would inure to the interests of either party as a result of the extension. After consideration of all relevant factors, the extension request was granted and a new mailing date of Thursday, December 24, 2015 was set. On December 10, 2015, Attorney for the Student requested a postponement of the hearing dates; this request was denied. Later the same day Attorney for the Student sent an email requesting dismissal of the matter without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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

Brette H. Fitton
Hearing Officer Name in Print