

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Student: Parents

Appearing on behalf of the Board: Attorney Michelle Laubin  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:**

1. Did the District deny Student a Free Appropriate Public Education ("FAPE") for the Extended School Year ("ESY") occurring in the summer of 2015?
2. Did the District deny Student a FAPE for the 2015-2016 school year?
3. Did the District deny Student a FAPE for the ESY occurring in the summer of 2016?
4. Was the District's Individualized Education Program ("IEP") for the 2016-2017 school year appropriate?
5. If the District denied Student a FAPE for ESY in the summer of 2015, the 2015-2016 school year, ESY in the summer of 2016, and/or 2016-2017 school year, did the Hyde School where the Student was unilaterally placed by parents for those time periods provide an appropriate program and are Parents entitled to reimbursement for the cost of tuition and related services resulting from Student's attendance at Hyde School?
6. Is the Student entitled to compensatory education?

**PROCEDURAL HISTORY AND SUMMARY:**

On August 2, 2016, the Board received a request for a special education due process hearing filed by the Attorney for the Parents, Attorney Lawrence Berliner. On August 4, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. During the prehearing conference held on September 23, 2016, hearing dates of November 16, 2016, and December 2, 2016 were set and the deadline for mailing the final decision and order was established as October 14, 2016. On September 29, 2016, Attorney for the Parents requested an extension of the mailing deadline to accommodate the agreed upon hearing date schedule. The extension request was granted on October 4, 2016 and resulted in a new deadline of November 10, 2016. On October 25, 2016, Parents, who had filed their appearance in lieu of their attorney on October 13, 2016, requested an extension of the deadline in order to engage in settlement discussions and to accommodate the established hearing date schedule. Parents' extension request was granted on November 1, 2016 and resulted in a new deadline for mailing the final decision and order of December 9, 2016. On October 25, 2016,

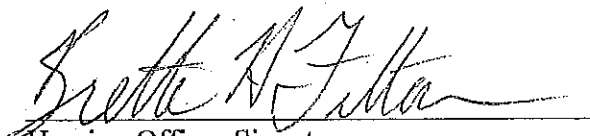
Parents requested the inclusion of additional issues they wished to be addressed during the hearing. The Hearing Officer scheduled a second prehearing conference for November 4, 2016 to discuss Parents' requests. On November 3, 2016, Parents withdrew their hearing request with prejudice and the second prehearing conference and all pending hearing dates were cancelled as a result.

**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