

November 23, 2015

Final Decision and Order 15-0636

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Barkhamsted Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer  
The Law Office of Courtney Spencer, LLC  
100 Riverview Center, Suite 120  
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Alyce Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District deny Student a Free Appropriate Public Education ("FAPE") for the 2013-2014 school year, beginning on September 2, 2013?
2. Did the District deny Student a FAPE for the Extended School Year ("ESY") in the summer of 2014?
3. Did the District deny Student a FAPE for the 2014-2015 school year?
4. Did the District deny Student a FAPE for the ESY in the summer of 2015?
5. Was the program proposed by the District for the 2015-2016 school year appropriate?
6. If the program proposed by the District for the 2015-2016 school year not appropriate, does the Kildonan School provide Student with an appropriate program?

**PROCEDURAL HISTORY AND SUMMARY:**


On September 2, 2015, the Board received the Parents' request for a Special Education Due Process Hearing and the undersigned Hearing Officer was appointed. During the prehearing conference held on September 21, 2015, hearing dates of November 19, 2015, December 1, 2015, and December 2, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as November 16, 2015. On September 22, 2015, the Hearing Officer received Parents' request for an extension of the mailing deadline in order to accommodate the scheduled hearing dates. After a consideration of all of the relevant factors, this request was granted and December 16, 2015 was established as the new deadline for the mailing of the Final Decision and Order. On November 12, 2015, Attorney for the Student sent a letter in which she indicated the case was being withdrawn without prejudice. On November 20, 2015, Attorney for the Parent sent a second letter in which she indicated that the case was being withdrawn with prejudice.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