

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner  
Law Office of Lawrence Berliner, LLC  
1720 Post Road East, Suite 214E  
Westport, CT 06880

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

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to meet its obligations under Child Find?
2. Did the District deny Student a Free Appropriate Public Education ("FAPE") for the 2013-2014 academic year?
3. Did the District deny Student a FAPE for the Extended School Year of 2014?
4. Did the District deny Student a FAPE for the 2014-2015 school year?
5. Was the program offered by the District to Student for the Extended School Year of 2015 appropriate, and, if not, is the program offered by the Hyde School appropriate?
6. Was the program offered by the District to Student for the 2015-2016 school year appropriate and, if not, is the program offered by the Hyde School appropriate?

**PROCEDURAL HISTORY AND SUMMARY:**

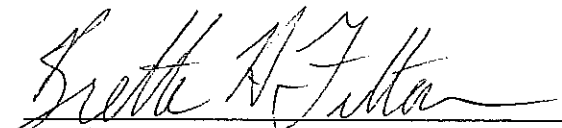
On June 2, 2015, the Board received a Special Education Due Process Hearing Request filed by Student and the undersigned Hearing Officer was assigned to the case on June 3, 2015. During the Prehearing Conference held on June 23, 2015, hearing dates of July 20, 2015, August 26, 2015 and September 9, 2015 and September 10, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as August 14, 2015. On July 9, 2015, the Attorney for the Student requested that the first hearing date be postponed and the mailing deadline extended for settlement purposes. The Attorney for the Board indicated the Board had no objection to either request and that the terms of a settlement agreement were being reduced to writing and settlement was anticipated shortly. Both the postponement and extension request were granted and the new deadline for the mailing of the Final Decision and Order was established as September 11, 2015. On August 21, 2015, Attorney for the Student sent an email in which he withdrew the Special Education Due Process Hearing Request. On August 26, 2015, the matter was dismissed on the record.

**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