

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Weston Board of Education

Appearing on behalf of the Student: Attorney Phillip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board: Attorney Christopher Tracey
Shipman & Goodwin, LLP
200 Atlantic Street
Stamford, CT 06901

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to offer Student an appropriate program for the Extended School Year ("ESY") period occurring in the summer of 2016?
2. If the District failed to offer Student an appropriate program for ESY in the summer of 2016, did Cherry Gulch, a residential therapeutic school, provide Student with an appropriate program and should parents be reimbursed for the costs and related expenses of Student attending this program?
3. Did the District fail to offer Student an appropriate program for the 2016-2017 school year?
4. If the District's program for 2016-2017 is not appropriate, should Student be placed at Cherry Gulch?
5. Are parents entitled to reimbursement for a private evaluation conducted by Dr. Roy. J. Boorady, M.D.?

PROCEDURAL HISTORY AND SUMMARY:


On July 20, 2016, the Board received a special education due process hearing request filed by the Attorney for the Parents. On July 21, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. During the prehearing conference held on August 5, 2016, September 21, 2016 and September 29, 2016 were set as hearing dates and the deadline for mailing the final decision and order was established as October 3, 2016. On September 12, 2016, Attorney for the Parents and the Attorney for the Board jointly requested a postponement of the first hearing date, indicating that the matter had settled at mediation on September 8, 2016 and additional time was needed to reduce the agreement to writing. After a consideration of all of the factors set forth under R.C.S.A. §10-76h-9(d), this request was hereby granted. On September 26, 2016, the Attorney for the Parents withdrew the request for a special education due process hearing 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