

July 24, 2013

Final Decision and Order: 13-0465 Wilton

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent: Attorney Gerry McMahon  
The Law Office of Gerry McMahon, LLC  
98 Mill Plain Road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of the Board: Attorney Adreana Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Street  
Stamford, CT 06901-3522

Appearing before: Robert L. Skelley, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Does the individualized education program ("IEP") proposed by the Board for the 2012-2013 academic year deny the Student a free, appropriate public education ("FAPE") by failing to provide the Student with a plan, program or placement to meet the Student's needs?
2. If the answer to Issue No. 1 is yes, what is the appropriate remedy?
3. Should the Parent's refusal to accept the Board's proposal for an out of district placement of the Student be over-ridden by the Hearing Officer (Raised by the Board without objection by the Parents at the Pre-hearing conference)?
4. If the answer to Issue No.3 is yes, what is the appropriate remedy?

**PROCEDURAL HISTORY:**

The complaint was filed on May 14, 2013, with a pre-hearing conference held on May 23, 2013 where the issues listed above were identified. A due process hearing was scheduled for July 17, 2013. On July 12, 2013 the Parties cancelled the due process hearing as agreement had been reached and was being memorialized in writing. On July 17, 2013, Counsel confirmed that the agreement had been signed by both Parties; Counsel for the Parents then withdrew the complaint with prejudice.

**FINAL DECISION AND ORDER:**

With the Parties having reached and signed an agreement as to the resolution of the issues in this matter, the Parents withdrawing their complaint with prejudice and with no further issues to be resolved, this matter is DISMISSED with prejudice.