

June 1, 2015

Final Decision and Order 15-0397

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Fairfield Board of Education

Appearing on behalf of the Student: Attorney Giulia Frasca  
Littman Krooks, LLP  
399 Knollwood Road  
White Plains, NY 10603

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 that portion of the 2012-2013 academic year that began on February 27, 2013?
2. Did the District deny Student a FAPE for the 2013-2014 academic year?
3. Did the District deny Student a FAPE for the 2014-2015 academic year?
4. Has the Student met all of the District's graduation requirements, and thus is eligible to graduate at the end of the 2014-2015 academic year?
5. If the Student has not met all of the District's graduation requirements, and thus is not eligible to graduate at the end of the 2014-2015 academic year, is placement at the Thames Academy the appropriate placement?

**PROCEDURAL HISTORY AND SUMMARY:**


On February 27, 2015, the New Fairfield Board of Education received Student's Request for a Special Education Due Process Hearing and the undersigned Hearing Officer was appointed on March 10, 2015. During the prehearing conference held on March 18, 2015, hearing dates of April 30, 2015 and May 19, 2015 were set and the deadline for the mailing of the Final Decision and Order was established as May 13, 2015. On April 22, 2015, Counsel for the Parents requested a postponement of the April 30, 2015 hearing date and an extension of the existing mailing deadline in order to permit the parties time to finalize a settlement agreement. The Board joined in these requests and both requests were granted. The new deadline for the mailing of the Final Decision and Order was established as June 12, 2015. On May 7, 2015, Attorney for the Parent sent an email to the Hearing Officer indicating the matter had settled and Parents were withdrawing their hearing request.

**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