

June 7, 2013

Final Decision and Order 13-0402

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents:

Attorney Lawrence Berliner
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Westport, CT 06880

Appearing on behalf of the Board:

Attorney Michelle Laubin
Berchem, Moses & 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 Board fail to address incidents of bullying and harassment of Student during the period of April 2011 through March 2012? If so, was the Student denied a Free Appropriate Public Education (FAPE) as a result?
2. Did the Board's Individualized Educational Programs ("IEP(s)") deny the Student FAPE for the 2011-12, 2012-13, and/or 2012 Extended School Year ("ESY") school years; and will the Board's IEP for the 2013-14 and/or 2013 ESY school years deny the Student FAPE?
 - a. If so, has the Winston Preparatory School provided the Student with FAPE for the 2011-12, 2012-13 and/or ESY-12 school years; and will the Winston Preparatory School provide the Student with FAPE for the 2013-14 and/or ESY-13 school years?
 - b. If so, is the Board responsible for the costs of Winston Preparatory School, including tuition and transportation, for the 2011-12, 2012-13, 2013-14, ESY-12 and/or ESY-13 school years?
3. Did the Board comply with the Individuals with Disabilities Education Act's (hereinafter "IDEA") procedural and substantive requirements in developing the Student's IEPs for the 2011-12, 2012-13, 2013-14, ESY-12 and/or ESY-13 school years? If not, did the Board's failure to comply with the IDEA's procedural and substantive requirements for the 2011-12, 2012-13, 2013-14, ESY-12 and/or ESY-13 school years deny the Student FAPE?
4. Is the Student entitled to an award of compensatory education services as an equitable remedy for the Board's denial of FAPE for the 2012-12, 2012-13, 2013-2014, ESY-12 and/or ESY-13 school years?

SUMMARY:

On April 5, 2013, the Board of Education received Student's hearing request. A prehearing conference was held on April 17, 2013. Hearing dates were scheduled for June 10, 2013, June 14, 2013, June 18, 2013 and June 21, 2013. The original deadline for mailing the final decision and order was June 19, 2013. During the prehearing conference, Parent requested a 30 day extension in order to accommodate the need for additional hearing dates. Parent's extension request was granted and July 19, 2013 was set as the new deadline for the mailing of the final decision and deadline. On June 6, 2013 Attorney for the Parents withdrew the hearing request.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.