

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wethersfield Board of Education

Appearing on behalf of the Student: Parents

Appearing on behalf of the Board: Attorney Linda Yoder
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 violate its Child Find obligations under the Individuals with Disabilities Education Act?
2. Did the District deny Student a Free Appropriate Public Education ("FAPE") for that period of the 2013-2014 School year beginning on November 20, 2013?
3. Did the District deny Student a FAPE for the Extended School Year ("ESY") occurring during the summer of 2014?
4. Did the District deny Student a FAPE for the 2014-2015 school year?
5. Did the District deny Student a FAPE for the ESY occurring during the summer of 2015?
6. Did the District deny Student a FAPE for the 2015-2016 school year?
7. Did the District violate Student's procedural safeguards under the Individuals with Disabilities Education Act by:
 - a. failing to evaluate Student in all areas of suspected disability;
 - b. failing to conduct a Functional Behavioral Assessment requested on 12/2/13;
 - c. failing to hold a "Planning and Placement Team" meeting at parent request;
 - d. failing to hold a PPT meeting prior to an expulsion hearing;
 - e. waiting 9 months after an incident giving rise to a disciplinary action before holding a manifestation determination hearing; and/or
 - f. failing to maintain a continuum of appropriate placement alternatives?

PROCEDURAL HISTORY AND SUMMARY:

On November 20, 2015, the Board received a Special Education Due Process Hearing Request filed by Student. The Hearing Officer was appointed on November 23, 2015. During the prehearing conference held on December 22, 2015, March 29, 2016 was set as the first hearing date and the deadline for mailing the Final Decision and Order was established as February 3, 2016. An oral request for an extension of the deadline in order to allow the parties to engage in settlement negotiations was made during the prehearing conference. This request was granted and resulted in a new mailing deadline of March 4, 2016. On January 26, 2016, the parties jointly

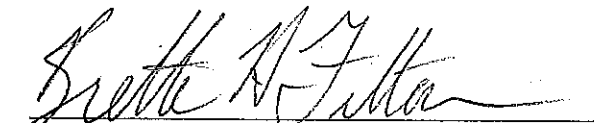
requested that the hearing date of February 29, 2016 be postponed due to the scheduling of mediation. Attorney for the Student also requested an extension of the mailing deadline in order to accommodate the new hearing date. After a consideration of all of the relevant factors, both requests were granted. March 29, 2016 was set as the new hearing date and the mailing deadline was extended to April 1, 2016. On March 9, 2016, Attorney for the Student requested an extension of the mailing deadline to accommodate the hearing date of March 29, 2016. This request was granted on March 17, 2016. The new deadline was established as April 29, 2016. Prior to the first hearing date on March 29, 2016, Parents, who were previously represented by counsel, became self-represented. On the first hearing date, additional dates of April 27, 2016, May 18, 2016, and May 25, 2016 were added to the hearing date schedule. On April 19, 2016, Parents notified the Hearing Officer by email that a settlement had been reached 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