

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

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

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 District fail to meet its obligations under Child Find?
2. Did the District fail to provide Student with a Free Appropriate Public Education ("FAPE") for that portion of the 2013-2014 school year, beginning on October 9, 2013 and running through the end of the school year?
3. Did the District fail to provide Student with a FAPE for the Extended School Year ("ESY") in the summer of 2014?
4. Did the District fail to provide Student with a FAPE for the 2014-2015 school year for that portion of the school year that the Student was in attendance in the District?
5. If the District failed to provide Student with a FAPE while the Student was in attendance in the District during the 2014-2015 school year, did the Easton Country Day School provide Student with an appropriate program?
6. Did the District fail to propose an appropriate program for Student for the ESY in the summer of 2015?
7. If the District failed to propose an appropriate program for Student for the ESY in the summer of 2015, did the Trails Carolina Wilderness Therapy Program in North Carolina provide her with an appropriate program?
8. Did the District fail to offer Student an appropriate program for the 2015-2016 school year?
9. If the District failed to offer a program which provided a FAPE for the 2015-2016 school year, is the program provided by the Uinta Academy appropriate?

PROCEDURAL HISTORY AND SUMMARY:

On October 9, 2015, the Board received a Special Education Due Process Hearing Request filed by Student. The undersigned Hearing Officer was appointed by the Connecticut State


Department of Education on October 14, 2015. During the prehearing conference held on November 12, 2015, hearing dates of February 3, 2016, and February 5, 2016 were set and the deadline for the mailing the Final Decision and Order was established as December 23, 2015. The parties indicated that they would be pursuing mediation and Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order in order to allow the parties to engage in settlement negotiations. There was no objection from the Board to this request. Parents' request was granted and resulted in a new deadline for the mailing of the Final Decision and Order of January 22, 2016. While originally the parties agreed to hearing dates of February 3, 2016 and February 5, 2016, they subsequently secured a mediation date on January 27, 2016 and requested a postponement of the first hearing date so that the mediation did not fall on the same date the exchange of exhibits would be required. This was a joint request and was granted after a consideration of all of the relevant factors. On December 21, 2016, Attorney for the Parents requested an extension of the deadline for the mailing of the Final Decision and Order. The purpose of the requested extension was to accommodate the mediation and hearing date schedule. The Board did not object to this request. The request was granted and February 19, 2016 was established as the new deadline. On January 28, 2016, Attorney for the Parents withdrew the hearing request 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