

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer
The Law Office of Courtney Spencer, LLC
100 Riverview Center, Suite 120
Middletown, CT 06457

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 Fairfield Board of Education fail to provide Student with a FAPE for that portion of the 2012-2013 school year beginning on March 16, 2013 through the conclusion of the school year?
2. Did the Fairfield Board of Education fail to provide Student with a FAPE for the Extended School Year "ESY" in the summer of 2013?
3. Did the Fairfield Board of Education fail to provide Student with a FAPE for the 2013-2014 school year?
4. Did the Fairfield Board of Education fail to provide Student with a FAPE for the Extended School Year "ESY" in the summer of 2014?
5. Was the program proposed by the District for the 2014-2015 school year appropriate?
6. Was the program proposed by the District for the ESY in the summer of 2015 appropriate?
7. Was the program proposed by the District for the 2015-2016 school year?
8. Are Parents entitled to reimbursement for the clinical costs incurred from Dr. Marachi (not an evaluation)?
9. If the Student was denied a FAPE, is the Hyde School an appropriate placement for Student, and if the Hyde School is appropriate are Parents entitled to reimbursement for the costs of their unilateral placement of the Student at Hyde School?
10. Does the Student require a full residential program or a day treatment program?

PROCEDURAL HISTORY AND SUMMARY:

This case was originally scheduled to be heard by Hearing Officer Robert Skelley. Hearing Officer Skelley held a prehearing conference on March 27, 2015. During this conference, a hearing date of May 20, 2015 was set and the deadline for the mailing the Final Decision and Order was established as May 22, 2015. The case was subsequently transferred to the undersigned Hearing Officer on May 14, 2015. On that same day, Attorney for the Student requested a thirty day extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the hearing date schedule. After fully

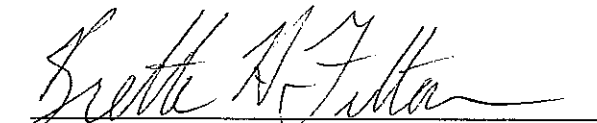
considering the position of the parties and all of the relevant factors, the request was granted and a new deadline of June 19, 2015 was established. Subsequently, a medical emergency arose with one of the parties requiring the cancellation of the May 19, 2015 hearing date. New hearing dates of July 21, 2015, July 31, 2015 and August 30, 2015 were agreed upon by the parties. Another request for a thirty day extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the revised hearing date schedule was filed by Attorney for the Student on June 9, 2015. After a consideration of all of the relevant factors this request was granted resulting in a new deadline for the mailing of the Final Decision and Order of July 17, 2015. On July 13, 2015 Attorney for the Student requested a postponement of the deadline for the mailing of the Final Decision and Order to accommodate the hearing date schedule. This request was granted and resulted in a new mailing deadline of August 14, 2015. On the morning of the first hearing date, July 21, 2015, the parties met briefly and reached a settlement. The parties jointly requested a postponement of the hearing in order to draft the settlement agreement. This request was granted on the record and the second hearing date of July 31, 2015 was retained in the event any issues arose when reducing the agreement to writing. On July 23, 2015, Attorney for the Student sent a letter to the Hearing Officer in which she confirmed that the settlement agreement had been executed by both parties and that the hearing request was being withdrawn 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