

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Cheshire Board of Education

Appearing on behalf of the Student: Attorney Courtney P. Spencer
The Law Office of Courtney P. Spencer, LLC
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Middletown, CT 06457

Appearing on behalf of the Board: Attorney Megan Buxton
Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the Board's programs for the Student for the 2011-12, 2012-13 and the 2013-14 school years appropriate?
2. Did the Board commit procedural violations which resulted in a denial of FAPE during the 2011-12, 2012-13 and 2013-14 school years?
3. Shall the Student be placed at a school such as Foundation, Ben Haven or the ACES autism program as requested by the Parents?
4. Is the Student entitled to compensatory education?

PROCEDURAL HISTORY/DISCUSSION:

The Board received this request for hearing on October 10, 2013 and a prehearing conference convened on October 22, 2013. At the prehearing conference the parties stated that they agreed to mediation, although mediation had not yet been scheduled. The hearing was scheduled to convene on December 5, 2013.

On October 23, 2013 the Parents' attorney submitted a request for extension of the mailing date of the decision and to postpone the December 5 hearing date so that the parties may attempt to settle the matter through mediation, which was granted. The hearing was rescheduled to convene on December 19, 2013.

On December 11, 2013 the Parents' attorney submitted a second request for extension of the mailing date of the decision and a postponement of the hearing date so that the parties may settle the matter. That request was denied, as the parties had previously been provided with an extension and postponement to attempt to settle the case. In accordance with the Regs. Conn. Agencies §10-76h-9, only one such postponement/extension may be granted.

Prior to the December 19 hearing date, the Parents' attorney submitted notification that the settlement agreement had been executed by the Parents, but had not yet been executed by the Board as the Cheshire

December 19, 2013

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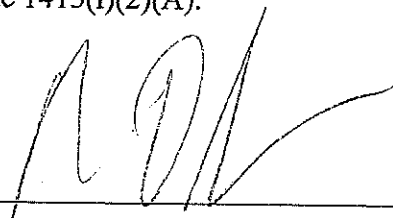
schools were closed due to a snow day. The Parents requested that they withdraw the hearing request, without prejudice. Therefore, this matter is dismissed, without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.

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).

A handwritten signature in dark ink, appearing to read 'M. Oppenheim', is written over a horizontal line.

Attorney Mary Elizabeth Oppenheim
Hearing Officer