

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
Attorney Danielle McGee
The Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Suite 3B
Danbury, CT 06811

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Was the District's Individualized Education Program ("IEP") for the 2016-2017 school year appropriate? If the IEP was not appropriate, should Student be placed at Winston Preparatory Academy?
2. Did the District commit the procedural violation of predetermining Student's placement and if so, did this procedural violation operate to deny Student a Free Appropriate Public Education ("FAPE")?

PROCEDURAL HISTORY AND SUMMARY:

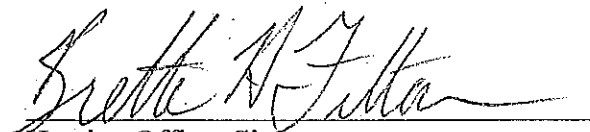
On September 28, 2016, the Board received a request for a special education due process hearing filed by Parents and on September 29, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the matter. During the prehearing conference held on October 7, 2016, hearing dates of December 6, 2016, and December 9, 2016 were set and the deadline for mailing the final decision and order was established as Monday, December 12, 2016. On December 6, 2016, the case was withdrawn without prejudice on the record.

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