

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing on behalf of the Parents:

Attorney Courtney Spencer  
The Law Office of Courtney P. Spencer, LLC  
100 Riverview Center, Suite 290  
Middletown, CT 06457

Appearing on behalf of the Board:

Attorney Marc Schwab  
Waterbury Board of Education  
235 Grand Street, 3<sup>rd</sup> Floor  
City Hall Building  
Waterbury, CT 06702

Appearing before:

Attorney Brette H. Fitton, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board deny the Student a Free Appropriate Public Education "FAPE") for the 2013-2014 academic year by:
  - a. failing to provide an appropriate placement;
  - b. failing to provide an adequate Individualized Educational Plan ("IEP");
  - c. failing to provide appropriate services; and/or
  - d. failing to provide appropriate evaluations.
2. Did the Board commit procedural violations, including, but not limited to, failing to allow surrogate parent and/or foster parent the opportunity to provide meaningful input into the educational decision-making process?
3. If the Board committed procedural violations, did such violations result in a denial of a FAPE to the Student?

**PROCEDURAL HISTORY AND SUMMARY:**

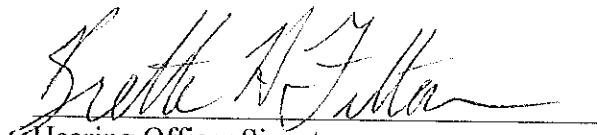
On January 2, 2014, the Waterbury Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on January 3, 2014. On January 10, 2014, a prehearing conference was held and a hearing date was set for February 21, 2014 and the deadline for the mailing of the Final Decision and Order was established as March 18, 2014. On February 12, 2014, a postponement of the February hearing date and an extension of the mailing deadline was requested by Attorney for the Student in order to allow the parties to participate in settlement discussions. Attorney for the Board consented to these requests. Both requests were granted and a new deadline for the mailing of the Final Decision and Order of April 17, 2014 was established and a hearing date of March 27, 2014 was set. On March 21, 2014, Counsel for the Parents withdrew the 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