

January 27, 2014

Final Decision and Order 14-0206

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Fairfield Board of Education

Appearing on behalf of the Parents:

Attorney Melanie Dunn
The Law Office of Melanie Dunn, LLC
10 Talcott Notch Road, Suite 203
Farmington, CT 06032

Appearing on behalf of the Board:

Attorney Rebecca Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to provide the Student with Free Appropriate Public Education (FAPE) for the 2011-2012 (beginning November 15, 2011), 2012-2013 and 2013-2014 school years by:
 - a. failing to fulfil its obligations under Child Find;
 - b. failing to conduct comprehensive evaluations in all areas of suspected disability;
 - c. failing to develop an appropriate Individualized Education Program for the 2012-2013 and 2013-2014 school years; and/or
 - d. failing to provide an appropriate placement for Student with necessary therapeutic supports?
2. Did the District commit procedural violations of Student's rights under the Individuals with Disabilities Education Act ("IDEA")? If the District committed procedural violations of the IDEA, did such violations result in a denial of FAPE, because the parent was prevented from participating meaningfully in Student's educational programming?

PROCEDURAL HISTORY AND SUMMARY:

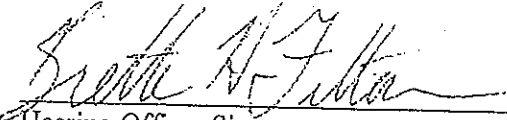
On November 19, 2013, the New Fairfield Board of Education received a request for a special education due process hearing. The undersigned hearing officer was appointed on November 18, 2013. On December 11, 2014, a prehearing conference was held. The original deadline for mailing the final decision and order was established as January 29, 2014. On January 3, 2014, the parties requested a postponement of the first hearing date of January 21, 2014 and an extension of the deadline for the mailing of the final decision and order. Both requests were granted and the deadline for the mailing of the final decision and order was extended to February 28, 2014 and a hearing date of January 31, 2014 was set. On January 24, 2014, Attorney for the Student 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