

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Wilton Board of Education

Appearing on behalf of the Student:

Attorney Lawrence Berliner
The Law Offices of Lawrence Berliner
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board of Education:

Attorney Christopher Tracey
Shipman & Goodwin LLP
300 Atlantic Street
Stamford, CT 06901

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education refer and identify the Student as eligible for special education and related services in a timely manner?
2. Did the Board of Education offer the Student an individualized education program in a timely manner?
3. Did the Board of Education offer the Student a free appropriate public education on and after December 16, 2015?
4. If the Board of Education did not offer the Student a free appropriate public education on and after December 16, 2015, is Winston Prep an appropriate placement?
5. If the Board of Education did not offer the Student a free appropriate public education on and after December 16, 2015, and Winston Prep is an appropriate placement, is the Student entitled to reimbursement for the expenses of Winston Prep?
6. If the Board of Education did not refer and identify the Student as eligible for special education and related services in a timely manner and/or did not offer the Student an individualized education program in a timely manner, is the Student entitled to reimbursement for the expenses of Winston Prep?
7. If the Board of Education did not refer and identify the Student as eligible for special education and related services in a timely manner and/or did not offer the Student an individualized education program in a timely manner and/or did not offer the Student a free appropriate public education on and after December 16, 2015, is the Student entitled to compensatory education services?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on March 2, 2016. This Impartial Hearing Officer was appointed to hear the case on March 2, 2016. A telephonic pre-hearing conference was convened on March 18, 2016. Attorney

Lawrence Berliner appeared on behalf of the Student and Attorney Christopher Tracey appeared on behalf of the Board of Education. Evidentiary hearings were scheduled for May 5, 2016 and May 6, 2016. The deadline for filing the final decision and order was established to be May 16, 2016.

On March 18, 2016, the Student requested postponement and extension of the deadline to file the final decision and order. The Board of Education consented to the request and it was granted. On June 13, 2016, the Student reported that the parties had settled the case in principal and were in the process of executing a settlement document. The Student requested a second postponement and extension of the deadline to file the final decision and order to allow the parties time to execute their settlement agreement. The Board of Education did not object to the request and it was granted.

On July 12, 2016, the Student requested that the matter be dismissed without prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this 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).



Hearing Officer Signature

ANN F BIRD

Hearing Officer Name in Print