

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student and Fairfield Board of Education

Appearing on behalf of the Student:

Attorney Gerry McMahon
The Law Offices of Gerry McMahon, LLC
98 Mill Plain Road, Suite 3B
Danbury, CT

Appearing on behalf of the Board of Education:

Attorney Megan Buxton
Berchem, Moses & Devlin, P.C.
78 Broad Street
Milford, CT

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2014-15 School Year?
 - a. If not, is the alternative school an appropriate placement in the least restrictive environment?
2. If the Board of Education did not offer the Student a free appropriate public education, and the alternative school is not appropriate, what is an appropriate placement in the least restrictive environment?

PROCEDURAL HISTORY:

The Student requested a special education hearing in the above-captioned matter on September 8, 2014. This Impartial Hearing Officer was appointed to hear the case on September 9, 2014. A telephonic pre-hearing conference was conducted on September 29, 2014. Attorney Gerry McMahon appeared on behalf of the Student and Attorney Megan Buxton appeared on behalf of the Fairfield Board of Education. Evidentiary hearings were scheduled for December 9 and December 11, 2014. It was also established that the deadline for completing the hearings and filing the final decision was November 20, 2014.

On September 26, 2014, Counsel for the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to December 19, 2014. The purpose of the requested postponement and extension was to allow the parties time to seek a resolution of the dispute. Counsel for the Board of Education agreed to the requested postponement and it was granted.

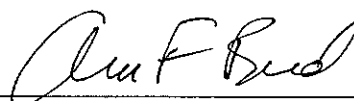
On November 25, 2014, the Student reported that the parties reached a mutual agreement and requested that the matter be dismissed.

FINAL DECISION AND ORDER:

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

ANN F BIRD

Hearing Officer

Name in Print