

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Weston Board of Education

Appearing on behalf of the Student: Attorney Phillip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board: Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Street, 3rd Floor
Stamford, CT 06901-3522

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to meet its obligations under Child Find pursuant to 20 U.S.C. §1412(a)(10)(C)(ii) and R.S.C.A. § 10-76-d-7 for the period from November 15, 2014 through November 15, 2016? If the District failed to meet its obligations under Child Find, what is the appropriate remedy?
2. Did the District fail to provide a Free Appropriate Public Education ("FAPE") to the Student during the Extended School Year ("ESY") period in the summer of 2015?
3. Did the District fail to provide a FAPE to the Student during the 2015-2016 school year?
4. If the District failed to provide Student with a FAPE during the 2015-2016 school year, are Parents entitled to reimbursement for tuition and related costs of Parents' placement of Student at the Pacific Quest, a residential school in Hilo, Hawaii from March 17, 2016 through June 7, 2016?
5. Did the District fail to provide a FAPE to the Student during the ESY period in the summer of 2016?
6. If the District failed to provide Student with a FAPE for the ESY in the summer of 2016, are Parents entitled to reimbursement for tuition and related costs of Parents' placement of Student at Cherry Gulch, a residential school in Emmett, Idaho from June 8, 2016 through the end of the 2016-2017 school year?
7. Is the District obligated to offer an ESY program for 2017 as of November 15, 2016, and if so, has an appropriate program to the Student for the ESY in 2017 been offered? If the District has the obligation to offer a program for ESY in 2017, and an appropriate program has not been offered, should the Student be placed at Cherry Gulch for the ESY during the summer of 2017 at District expense?

PROCEDURAL HISTORY AND SUMMARY:

On November 15, 2016, the Board received a request for a special education due process hearing filed by Attorney for the Parents and the Connecticut State Department of Education appointed the

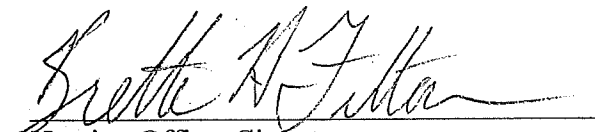
undersigned Hearing Officer to preside over the matter. At the prehearing conference held on December 2, 2017, hearing dates of January 17, 2017 and January 18, 2017 were set and the deadline for filing the final decision and order was established as January 27, 2017. On January 10, 2017 the parties jointly requested a postponement of the hearing dates in order to engage in settlement negotiations and to reduce an anticipated agreement to a writing. This request was granted on January 13, 2017 pursuant to the authority granted to a hearing officer to grant one 30-day postponement for continued settlement negotiations. R.C.S.A. § 10-76h-9(e). On January 24, 2017, the Attorney for the Student withdrew Parents' request for a special education hearing with prejudice.

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