

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newington Board of Education

Appearing on behalf of the Student: Attorney Christine H. Barrington
Access! Education Consulting
94 Park Terrace Avenue
West Haven, CT 06516

Appearing on behalf of the Board: Attorney Leander A. Dolphin
Shipman and Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District commit procedural violations of the Individuals with Disabilities Education Act during the period from 7/31/2012 through the filing of the due process hearing request on 7/31/2014? And if the District committed a procedural violation did such violation operate to deny the Student a Free Appropriate Public Education (“FAPE”) in the Least Restrictive Environment (“LRE”)?
2. Did the District deny the Student a FAPE in the LRE for the 2012-2013 academic year by, including but not limited to, failing to implement an appropriate reading program and/or appropriate behavioral intervention plan?
3. Did the District deny the Student a FAPE in the LRE for the 2013-2014 academic year by, including but not limited to, failing to implement an appropriate reading program and/or an appropriate behavioral plan?
4. Was the program for the Student proposed by the District for the 2014-2015 school year appropriate? If the program was not appropriate, what is the appropriate program?

PROCEDURAL HISTORY AND SUMMARY:

The Newington Board of Education received Student’s request for a Special Education Due Process hearing on July 31, 2014. During the prehearing conference held on August 19, 2014, the deadline for the mailing of the Final Decision and Order was established as October 14, 2014 and a hearing date of October 6, 2014 was set. The hearing date of October 6, 2014 was postponed and a second prehearing conference was held instead on that date. During this second prehearing conference, Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order in order to accommodate a revised hearing date schedule, which included December 9, 2014, December 12, 2014, December 19, 2014, January 6, 2015, January 7, 2015, and January 9, 2015. The revised deadline for the mailing of the Final Decision and Order was established as November 13, 2014. On November 11, 2014, Attorney for the Student requested another extension of the deadline to accommodate the hearing schedule, to which there was no objection by the Board. This request was granted and the new deadline for the mailing of the Final Decision and Order was

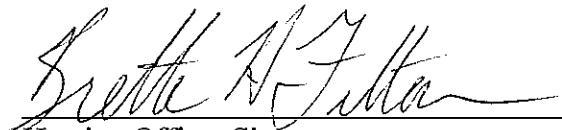
extended to December 13, 2014. On December 9, 2014, another extension request on the same basis was made and granted resulting in a new deadline for the mailing of the Final Decision and Order of January 12, 2015. On January 5, 2015, another extension request on the same basis was made and granted resulting in a new deadline for the mailing of the Final Decision and Order of February 11, 2015. The hearing convened on December 12, 2014 and continued on December 16, 2014, December 19, 2014 and January 9, 2015. Hearing dates of December 9, 2014, January 6, 2015 and January 7, 2015 were postponed for weather and settlement negotiations respectively. On January 13, 2015, 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