

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Student: Attorney Phillip Cohn

Appearing on behalf of the Board: Attorney Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a Free Appropriate Public Education (“FAPE”) for the 2013-2014 school year?
2. Did the District fail to provide Student with a FAPE for the Extended School Year (“ESY”) during the summer of 2014?
3. Did the District fail to provide Student with a FAPE for the 2014-2015 school year?
4. Did the District fail to provide Student with a FAPE for the ESY during the summer of 2015?
5. Was the District’s proposed program for the 2015-2016 school year appropriate? If the District’s proposed program was not appropriate for Student, is Spring Ridge Academy an appropriate program?

**PROCEDURAL HISTORY AND SUMMARY:**


On June 22, 2015, the Board received a request for a Special Education Due Process Hearing. The undersigned Hearing Officer was appointed on June 24, 2015. During the prehearing conference held on July 2, 2015, hearing dates of August 28, 2015 and September 10, 2015 were set and the deadline for mailing the Final Decision and Order was established as September 4, 2015. On August 19, 2015, the Attorney for the Student requested a postponement of the first scheduled hearing date of August 28, 2015, in order to allow the parties to finalize a settlement agreement. On August 20, 2015, the Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order for the same purpose. Both requests were granted on August 20, 2015, which resulted in October 2, 2015 being set as the new deadline for the mailing of the Final Decision and Order. On September 3, 2015, Attorney for the Student withdrew Student’s request for a Special Education Due Process 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