

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ridgefield 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 06811

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. Does the District's proposed program of a therapeutic day placement at Cooperative Educational Services for the 2015-2016 school year deny Student a Free Appropriate Public Education?
2. If the District's proposed program for the 2015-2016 school year is not appropriate, would Westport Day School provide Student with an appropriate program?

**PROCEDURAL HISTORY AND SUMMARY:**


On June 23, 2015, the Board received a Special Education Due Process Hearing Request filed by the Attorney for the Student. The undersigned Hearing Officer was appointed on June 25, 2015. During the prehearing conference held on July 3, 2015, hearing dates of September 25, 2015, September 28, 2015, September 30, 2015, and October 6, 2015 were set and September 4, 2015 was established as the deadline for the mailing of the Final Decision and Order. On July 13, 2015, Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order in order to provide the parties with sufficient time to mediate their dispute. This request was granted on July 14, 2015 and resulted in a revised deadline of October 2, 2015. On September 4, 2015, Attorney for the Student withdrew Student's Special Education Due Process Hearing Request 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