

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student and Weston Board of Education

Appearing on behalf of the Board of Education: Attorney Christopher Tracey  
Shipman & Goodwin, LLP  
300 Atlantic Street  
Stamford, CT 06901

Appearing on behalf of the Student: Attorney Gerry McMahon  
The Law Offices of Gerry McMahon, LLC  
98 Mill Plain Road, Ste 3B  
Danbury, CT 06811

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should the Student have been exited from eligibility for special education or related services during the 2013/2014 School Year?
2. If not, what remedy is appropriate?
3. If the Student was eligible for special education or related services during the 2014/2015 School Year, including the extended school year, did the Board of Education provide the Student with a free appropriate public education?
4. If not, was the Student's unilateral placement appropriate?
5. If it was, is the Student entitled to reimbursement for the expense of the unilateral placement?
6. If the Student was eligible for special education or related services during the 2015/2016 School Year, including the extended school year, did the Board of Education provide the Student with a free appropriate public education?
7. If not, was the Student's unilateral placement appropriate and/or is the Student entitled to a private placement?
8. If so, is the Student entitled to reimbursement for the expense of the unilateral placement and/or a private placement?

**PROCEDURAL HISTORY:**

The Student requested a special education hearing in the above-captioned matter on July 24, 2015. The Impartial Hearing Officer was appointed to the case on July 27, 2015. A telephonic pre-hearing conference was held on August 19, 2015. Attorney Gerry McMahon appeared on behalf of the Student and Attorney Christopher Tracey appeared on behalf of the Board of Education. The deadline for filing the final decision and order was established to be October 7, 2015, and evidentiary hearings were established for October 15, 2015, October 19, 2015 and October 22, 2015.

On August 19, 2015, 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 November 6, 2015. The purpose of the requested postponement and extension was to allow for due process and to accommodate the selected hearing date. The Board of Education did not object to the requested postponement and it was granted.

On October 22, 2015, the parties appeared for an evidentiary hearing in this case and reported that their settlement agreement was nearly finalized. They jointly requested that the hearing be postponed in order to allow them a short time to finalize the document.

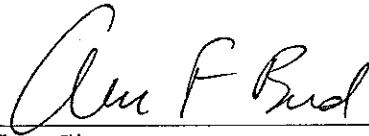
On November 5, 2016 the Student reported that the parties had finalized their settlement agreement and requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the request of the Student 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