

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parents: Attorney Gerry McMahon
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. Did the Board fail to provide Student with a Free Appropriate Public Education (“FAPE”) for the 2014-2015 school year by failing to timely offer Student an Individualized Education Program (“IEP”) that was reasonably calculated to allow Student to make meaningful educational progress?
2. Did the Board fail to provide Student with a FAPE for the 2015 Extended School Year occurring during the summer of 2015 by failing to timely offer Student an IEP that was reasonably calculated to allow him to make meaningful educational progress?
3. If the District failed to provide Student with a FAPE, were the programs provided by the Prospect School, the SUWS Program of the Carolinas Wilderness Approach Program and/or the Logan River Academy appropriate and is Student entitled to reimbursement for tuition and related services resulting from Parents’ unilateral placement of Student in these programs?
4. Is Student eligible for reimbursement for cost of the psychological report and psychological evaluation obtained at Parents’ expense?

PROCEDURAL HISTORY AND SUMMARY:

On October 13, 2015, the Board received a Special Education Due Process Hearing Request filed by Student and the undersigned Hearing Officer was appointed by the Connecticut State Department of Education. During the prehearing conference held on November 10, 2015, hearing dates of January 4, 2016, January 22, 2016 and January 29, 2016 were set and the deadline for mailing the Final Decision and Order was established as December 24, 2015. A request for an extension of the mailing deadline in order for the parties to engage in mediation and to accommodate the agreed upon hearing schedule was made by Attorney for the Student during the prehearing conference without objection from the Board. This request was granted. A

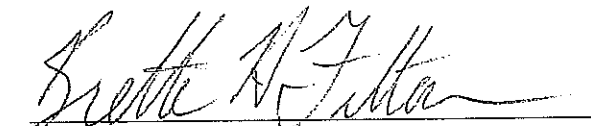
new deadline for the mailing of the Final Decision and Order of January 22, 2016 was established. Due to a scheduling conflict for Parent, a request for postponement of the January 4, 2016 hearing date was made on December 9, 2015 by Attorney for the Parent to which the Board did not object. A request for the extension of the mailing deadline was made on December 14, 2015. Both requests were granted. Accordingly, the new deadline for the mailing of the Final Decision and Order was established as February 19, 2016 and the hearing commenced on January 22, 2016. The Attorney for the Parent sent an email to the Hearing Officer on the afternoon of the first hearing date, indicating that the Parties had settled the matter and that Parents were withdrawing their 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