

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Stamford Board of Education

Appearing on behalf of the Student:

Attorney Phillip Cohn
Goldman Gruder & Woods
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education after December 17, 2015 and/or at the Planning and Placement Team meeting on March 2, 2016?
2. If not, is Winston Preparatory School appropriate?
3. If the Board of Education did not offer the Student a free appropriate public education and Winston Preparatory School is appropriate, is the Student entitled to reimbursement for the expense of Winston Preparatory School, including for the extended school year?
4. If the Board of Education did not offer the Student a free appropriate public education and Winston Preparatory School is not appropriate, is the Student entitled to compensatory education services?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on March 1, 2016. This Impartial Hearing Officer was appointed to hear the case on March 3, 2016. A telephonic pre-hearing conference was convened on March 18, 2016. Attorney Phillip Cohn appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. The deadline for filing the final decision was established to be May 17, 2016. Evidentiary hearings were scheduled for June 13, 2016 and June 16, 2016.

With the consent of the Board of Education, the Student filed an amended request for special education due process hearing on March 29, 2016. This reset the deadline for filing the final decision and order to June 10, 2016.

On June 6, 2016, the Student reported that the parties reached an agreement in principal for

June 13, 2016

Final Decision and Order 16-0390

resolution of the case during mediation on May 26, 2016 and 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 July 8, 2016. The purpose of the requested postponement and extension was to accommodate the hearing schedule and provide for the parties to enjoy due process. The Board did not object to the requested postponement and it was granted.

On June 13, 2016, the evidentiary hearing was convened. At that time, the Student reported that the matter had been finally settled and requested that the case be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this matter is dismissed with prejudice.

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