

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Canton Board of Education

Appearing on behalf of the Student: Attorney Richard Rochlin
Taboada, Rochlin, Govier
61 South Main St. Suite 205
West Hartford, CT 06107

Appearing on behalf of the Board: Attorney Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Individualized Education Program (“IEP”) proposed by the District at the March 30, 2016 Planning and Placement Team meeting appropriate?
2. If the District’s IEP was not appropriate, is the residential program provided by the Waterford Country Day School appropriate, and are Parents entitled to reimbursement of tuition and costs associated with Parent’s placement at this school?

PROCEDURAL HISTORY AND SUMMARY:


On April 8, 2016, the Board received a request for a special education due process hearing filed by Attorney for the Parents. The undersigned Hearing Officer was appointed by the Connecticut State Department of Education on that same day. During the prehearing conference held on April 12, 2016, hearing dates of May 27, 2016, June 13, 2016 and June 22, 2016 were set and the deadline for mailing the final decision and order was established as June 22, 2016. On April 20, 2016, the Attorney for the Board sent an email representing that both parties were jointly requesting a postponement of the May 27, 2016 date in order to allow the parties to engage in mediation. The Hearing Officer requested written confirmation that a mediation session was in fact scheduled. Upon receipt of an email on April 27, 2016 containing documentation that a mediation was scheduled for May 26, 2016, the request for postponement of the May 27, 2016 hearing date was granted. On June 7, 2016, Attorney for the Parents withdrew Student’s hearing request without 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