

**:STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ellington Board of Education

Appearing on behalf of the Student:

Parent

Appearing on behalf of the Board:

Attorney Craig S. Meuser  
Chinni & Meuser, LLC  
One Darling Drive  
Avon, CT 06001

Appearing before:

Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a Free Appropriate Public Education ("FAPE") in the Least Restrictive Environment from the date of Student's enrollment in August, 2014 through March 6, 2015 by;
  - a. proposing an Individualized Education Program ("IEP") that did not adequately address Student's needs; and/or
  - b. proposing an IEP that provided Student would be in a regular education setting for less than 50% of the school day?
2. Did the District violate Student's procedural safeguards by failing to provide Parents with a copy of the Individuals with Disabilities Education Act ("IDEA") or remedies available under the IDEA at any time Parents had discussions with the school?
3. If the District violated Student's procedural safeguards did such violation or violations operate to deny Student a FAPE?
4. Should the District provide Student with compensatory education?

**PROCEDURAL HISTORY AND SUMMARY:**

On April 14, 2016, the Board of Education received Parent's request for a Special Education Due Process Hearing. On April 22, 2016, the Board filed a Motion to Dismiss with a supporting Memorandum of Law claiming that the Hearing Officer lacked jurisdiction as she lacked authority to order the relief requested by Parent. On April 24, 2016, Parent filed an amended hearing request in response to the Board's Motion to Dismiss. Parent's amended request was submitted without agreement of the parties to the amendment or permission from the Haring Officer to file an amended request. On April 29, 2016, a prehearing conference was held during which the deadline for mailing the Final Decision and Order was established as June 28, 2016 and the jurisdictional deficiencies in Parent's request were discussed. The Hearing Officer ordered that Parent amend her hearing request to address the jurisdictional deficiencies. On May 2, 2016, Parent filed a second amended complaint, which resulted in a revised deadline for mailing the Final Decision and Order of July 15, 2016. On May 4, 2016, Parent indicated that she was in the process of retaining an attorney. On May 25, 2016, the Hearing Officer sent an email to Parent enquiring about the status of Parent's legal representation. Parent responded that day with an email to the Hearing Officer in which she indicated that she was withdrawing her hearing request without prejudice.

June 1, 2016

Final Decision and Order 16-0471

**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