

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
Attorney Danielle McGee
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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 District fail to offer Student an appropriate individualized education program (“IEP”) for the extended school year (“ESY”) for the summer of 2016?
2. Did the District fail to offer Student an appropriate IEP for the 2016-2017 school year?
3. Did the District commit any of the procedural violations of the Individuals with Disabilities Education Act “IDEA” listed below, and if so, did such procedural violations operate to deny Student a free appropriate public education (“FAPE”):
 - a. Did the District fail to provide Parents with the December 2015 Observation Report conducted by the Speech and Language Pathologist (“SLP”) until the day of the April 22, 2015 PPT meeting;
 - b. Did the District fail to invite the District SLP to the April 22, 2015 PPT meeting; and/or
 - c. Did the District predetermine Student’s program and placement for the 2016-2017 school year?
4. If the District failed to offer an appropriate IEP for the ESY in the summer of 2016 and for the 2016-2017 school year or committed procedural violations of the IDEA should Parents be reimbursed for the costs of the Student attending the Connecticut Center for Childhood Development (“CCCD”) for ESY 2016, including the support and services recommended by the Speech and Language Pathologist, and should the Student be placed at CCCD for the 2016-2017 school year?

PROCEDURAL HISTORY AND SUMMARY:

On June 6, 2016, the Board received a request for a special education due process hearing filed by the Parents. On June 20, 2016, the Connecticut State Department of Education appointed this


Hearing Officer to preside over the hearing. During the prehearing conference held on June 17, 2016, hearing dates of July 20, 2016, August 2, 2016, August 5, 2016 and August 8, 2016 were set and the deadline for mailing the final decision and order was established as August 19, 2016. Subsequent to the prehearing conference, Attorney for the Board indicated that when scheduling she had made a mistake regarding her client's schedule and that her client was not available on the August 2, 2016, August 5, 2016 and August 8, 2016 dates. Replacement dates were offered to the parties on June 21, 2016, however there was no response from Counsel. On June 24, 2016, the Hearing Officer issued a Notice of Hearing Date for July 20, 2016. On July 15, 2016, the Attorney for the Parents withdrew the request for a special education hearing 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