

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
Attorney Danielle McGee
The Law Office of Gerry McMahon, LLC
98 Mill Plain Road, Suite 3B
Danbury, CT 06811

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. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for the 2015-2016 school year?
2. Did the District deny Student a FAPE for the Extended School Year (“ESY”) during the summer of 2016?
3. Was the Individualized Education Program (“IEP”) proposed by the District for the 2016-2017 school year appropriate?
4. Is the Student entitled to compensatory education as a result of any procedural or substantive violations of the Individuals with Disabilities Education Act?

PROCEDURAL HISTORY AND SUMMARY:

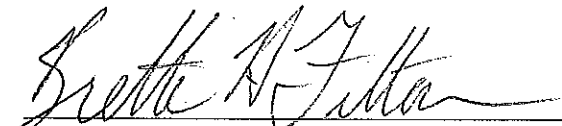
On June 29, 2016, the Board received a request for a special education due process hearing filed by the Parents. On June 30, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. A prehearing conference was held on July 13, 2016 during which the deadline for mailing the final decision and order in this case was established as September 12, 2016. The parties indicated during the prehearing conference that they would be participating in mediation to resolve the case, and would inform the Hearing Officer of their mediation date, so that hearing dates would be scheduled after that date. On August 31, 2016, Attorney for the Parents sent an email informing the Hearing Officer that the Parents were withdrawing their request for a special education hearing 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