

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wilton Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
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Appearing on behalf of the Board: Attorney Christopher Tracey
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Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate its obligations under Child Find, pursuant to 20 U.S.C. § 1412(a)(3); 34 C.F.R. 300.111 when it failed to promptly and comprehensively evaluate and identify Student as a student in need of special education for that portion of the 2014-2015 school year beginning on June 9, 2015 through the end of the school year?
2. As a result of not finding that the Student was eligible for special education and related services; did the District deny Student a free appropriate public education (“FAPE”) during that portion of the 2014-2015 school year beginning on June 9, 2015 through the end of the school year?
3. Did the District violate its obligations under Child Find, pursuant to 20 U.S.C. § 1412(a)(3); 34 C.F.R. 300.111 when it failed to promptly and comprehensively evaluate and identify Student as a student in need of special education for the 2015-2016 school year?
4. As a result of not finding that the Student was eligible for special education and related services; did the District deny Student a FAPE during the 2015-2016 school year?
5. Did the District violate its obligations under Child Find, pursuant to 20 U.S.C. § 1412(a)(3); 34 C.F.R. 300.111 when it failed to promptly and comprehensively evaluate and identify Student as a student in need of special education for that portion of the 2016-2017 school year beginning on the first day of the school year and ending on February 7, 2017?
6. As a result of not finding that the Student was eligible for special education and related services; did the District deny Student a FAPE for that portion of the 2016-2017 school year beginning on the first day of the school year and ending on February 7, 2017?
7. Was the individualized education program (“IEP”) developed by District on February 8,

2017 appropriate, and if the IEP was not appropriate was Student denied a FAPE for the remainder of the school year as a result?

8. Did the District deny Student a FAPE pursuant to Section 504 for the 2014-2015, 2015-2016 and 2016-2017 school years, by not providing Student with an appropriate Section 504 Accommodation Plan designed to allow Student to access his education in a manner equal to that of his typical peers?
9. Is compensatory education an appropriate remedy?

PROCEDURAL HISTORY AND SUMMARY:

On June 9, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The Connecticut State Department of Education appointed this Hearing Officer on June 15, 2017. During the prehearing conference held on June 21, 2017, August 2, 2017 was set as the initial hearing date and the deadline for mailing the final decision and order was established as August 23, 2017. On August 2, 2017, the hearing was opened and Attorney for the Parents withdrew the request for a hearing with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.