

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Pomfret Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer  
The Law Office of Courtney Spencer  
100 Riverview Center, Suite 120  
Middletown, CT 06457

Appearing on behalf of the Board: Attorney Rebecca Santiago  
Shipman & Goodwin, LLP  
One Constitutional Plaza  
Hartford, CT 06106

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to propose an appropriate program for Extended School Year in the summer of 2015, and if so, does Franklin Academy provide an appropriate program for Student?
2. Did the District fail to propose an appropriate program for the 2015-2016 school year, and if so, does Franklin Academy provide an appropriate program for Student?

**PROCEDURAL HISTORY AND SUMMARY:**

On June 22, 2015, the Pomfret Board of Education received Parents' Special Education Due Process Hearing Request and the undersigned Hearing Officer was appointed. During the prehearing conference held on July 2, 2015, the deadline for mailing the Final Decision and Order was established as September 5, 2015 and hearing dates of September 8, 2015 and September 21, 2015 were set. The Attorney for the Student requested an extension of the deadline for the mailing of the Final Decision and Order on July 2, 2015 in order to allow the parties to engage in mediation and to accommodate the agreed upon hearing date schedule. This request was granted and resulted in a new deadline for the mailing of the Final Decision and Order of October 5, 2015. The parties participated in mediation on August 28, 2015 and were successful in reaching an agreement. On September 2, 2015, Attorney for the Student sent an email to the Hearing Officer in which she withdrew Parents' Special Education Due Process Hearing Request 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