

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

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

Appearing on behalf of the Board: Attorney Julie Fay  
Shipman & Goodwin, LLP  
One Constitution Plaza,  
Hartford, CT 06103-1919

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 2014-2015 school year?
2. Did the District deny Student a FAPE for the Extended School Year (“ESY”) occurring in the summer of 2015?
3. Did the District deny Student a FAPE for the 2015-2016 school year?
4. Did the District deny Student a FAPE for the ESY occurring in the summer of 2016?
5. Was the District’s Individualized Education Program for the 2016-2017 school year appropriate?
6. Is the Student entitled to compensatory education?

**PROCEDURAL HISTORY AND SUMMARY:**

On August 12, 2016, the Board received a request for a special education due process hearing filed by the Attorney for the Parents. On August 16, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. A prehearing conference was held on September 16, 2016, during which October 26, 2016 was set as the deadline for mailing the final decision and order. The parties indicated that they had reached an agreement at a resolution meeting on August 26, 2016 and were in the process of reducing the agreement to writing. On October 11, 2016, the Attorney for the Parents withdrew the request for a special education due process 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