

May 9, 2017

Final Decision and Order 17-0295

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Hartford Board of Education

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

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 provide Student with a Free Appropriate Public Education (“FAPE”) for that portion of the 2014-2015 school year beginning on January 6, 2015 and running through the end of the year?
2. Did the District fail to provide Student with a FAPE for the Extended School Year (“ESY”) occurring in the summer of 2015?
3. Did the District fail to provide Student with a FAPE for the 2015-2016 school year?
4. Did the District fail to provide Student with a FAPE for the 2016-2017 school year?
5. If the Board did not provide Student with a FAPE during the statutory period running from January 6, 2015 through January 6, 2017, does the Kildonan School offer an appropriate program and should the Board be ordered to place the Student at the Kildonan School for the 2016-2017 school year and reimburse the Parents for any tuition paid by the Parents to the Kildonan School?
6. Are the Parents entitled to reimbursement for the private evaluation conducted by Literacy How?
7. If the Student entitled to compensatory education?

PROCEDURAL HISTORY AND SUMMARY:

On January 6, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. On January 11, 2017, the Connecticut State Department of Education appointed this Hearing Officer to preside over the matter. During the prehearing conference held on February 9, 2017, the deadline for mailing the final decision and order was established as March 22, 2017 and the first hearing date was set as May 4, 2017. During the prehearing conference the Attorney for the Parents requested an extension of the mailing deadline to allow the parties to engage in mediation and to accommodate the agreed upon hearing date schedule.

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This request was granted and resulted in a new mailing deadline of April 21, 2017. On April 6, 2017, Parents requested another extension of the deadline for the mailing of the final decision and order to accommodate the agreed upon hearing date schedule. This request was granted and resulted in a new deadline of May 19, 2017. On May 4, 2017, the hearing was opened and Parents withdrew the hearing request with prejudice.

FINAL DECISION AND ORDER:

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