

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

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

Appearing on behalf of the Board: Attorney Christine Sullivan
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 deny Student a free appropriate public education (“FAPE”) during the 2016-2017 school year by failing to provide an individualized education program (“IEP”) for Student that meets her needs in violation of 20 U.S.C. § 1414 et seq. and R.C.S.A. § 10-76d et seq.?
2. Does the District’s proposed IEP for the extended school year (“ESY”) in the summer of 2017 fail to meet Student’s needs in violation of 20 U.S.C. § 1414 et seq. and R.C.S.A. § 10-76d et seq., thereby denying Student the opportunity to receive a FAPE?
3. If the District has denied Student a FAPE, does Student require a placement in a residential therapeutic program and, if so, does the Innercept residential program, located in Coeur d’Alene, Idaho, offer an appropriate program for Student?
4. Is the Student entitled to compensatory education as a remedy for any procedural and/or substantive violations of the Individuals with Disabilities Education Act committed by the District during the 2016-2017 school year?

PROCEDURAL HISTORY AND SUMMARY:

On March 22, 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 March 23, 2017. During the prehearing conference held on April 19, 2017, hearing dates of May 26, 2017, June 2, 2017, June 7, 2017 and June 12, 2017 were set and the deadline for mailing the final decision and order was established as June 5, 2017. Parents filed an amended due process hearing request on April 19, 2017 which resulted in a new deadline for the mailing of the final decision and order of July 3, 2017. On May 10, 2017, the Attorney for the Board requested a postponement of the June 12, 2017 hearing date due to an inadvertent double

May 31, 2017

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booking of hearings on that date. On May 16, 2017, the Attorney for the Board requested a postponement of the May 26, 2017 date due to the Board of Education Director of Special Education being out of state. The Board did not object to the Parent's request for postponement and the Parents did not object to the Board's request for postponement. After fully considering the position of the parties and the relevant factors, both requests for postponement were granted on May 17, 2017. On May 26, 2017, Attorney for the Parents withdrew the request for a special education hearing without prejudice.

FINAL DECISION AND ORDER:

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