

May 15, 2017

Final Decision and Order 17-0488

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Derby Board of Education

Appearing on behalf of the Parents: Attorney Nhi Tran
New Haven Legal Assistance Association, Inc.
426 State Street
New Haven, CT 06510

Appearing on behalf of the Board: Attorney Kyle McClain
Zangari Cohn Cuthbertson Duhl & Grello, P.C.
59 Elm Street, Suite 400
New Haven, CT 06510

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Since August 29, 2016, has the District failed to provide Student with a free appropriate public education (“FAPE”) that meets Student’s needs?
2. If the District has failed to provide Student with a FAPE since August 29, 2016, does Student require a program that includes placement at a therapeutic school?
3. If the District has failed to provide Student with a FAPE since August 29, 2016, is Student entitled to compensatory education as a remedy?

PROCEDURAL HISTORY AND SUMMARY:

On April 28, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The Connecticut State Department of Education appointed the undersigned Hearing Officer on May 4, 2017. A prehearing conference was scheduled for May 12, 2017. Based on the date the Board received the hearing request, the deadline for mailing the final decision and order was July 12, 2017. On May 11, 2017, the day before the scheduled prehearing conference, the Attorney for the Parents withdrew the request for a special education due process hearing.

FINAL DECISION AND ORDER:

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