

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Middletown Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer  
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Appearing on behalf of the Board: Attorney Peter Maher  
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One Constitution Plaza  
Hartford, CT 06103-1919

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 the 2016-2017 school year?
2. Did the District fail to provide Student with a FAPE for the extended school year (“ESY”) in the summer of 2017?
3. Was the individualized education program (“IEP”) proposed by the District for the 2017-2018 school year appropriate?
4. If the 2017-2018 IEP was not appropriate, does the The Grove School provide an appropriate program and should the District place Student at The Grove School for the 2017-2018 school year?
5. Is the Student entitled to compensatory education?

**PROCEDURAL HISTORY AND SUMMARY:** On December 12, 2017, the Middletown Board of Education received a request for a special education due process hearing filed by the Parents. The Connecticut State Department of Education appointed the undersigned hearing officer to preside over the case on December 14, 2018. A prehearing conference was held on December 20, 2017. During this conference, the deadline for mailing the final decision and order was established as February 23, 2018 and February 22, 2018 was set as the initial hearing date. On January 26, 2018, the Parents requested an extension of the deadline for the mailing of the final decision and order in order to accommodate the hearing date schedule. After a consideration of all of the relevant factors set forth in R.C.S.A. Section 10-76h-9(d), Parents’ request was granted and resulted in a new mailing deadline of March 23, 2018. On January 31, 2018, Attorney for the Parents requested a postponement of the scheduled hearing date from February 22, 2018 to March 7, 2018 and indicated that the Board had no objection to this request. After a consideration of all of the relevant factors set forth in R.C.S.A. §10-76h-9(d), Parents’ request for postponement of the February 22, 2018 hearing date was granted. On March 2, 2018, the Parents withdrew their request for a special education due process hearing with prejudice.

**FINAL DECISION AND ORDER:** In light of the above facts, the case is dismissed.