

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Bristol Board of Education

Appearing on Behalf of the Student:

Attorney Courtney Spencer
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100 Riverview Center, Suite 290
Middletown, CT 06457

Appearing on Behalf of the Board:

Attorney Linda Yoder
Shipman & Goodwin
One Constitution Plaza
Hartford, CT 06103

Appearing before:

Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to provide the Student with a Free Appropriate Public Education ("FAPE") for the Extended School Year ("ESY") during the summer of 2012, beginning July 9, 2012?
2. Did the District fail to provide Student with a FAPE for 2012-2013 school year?
3. Did the District fail to provide the Student with a FAPE for the ESY in summer of 2013?
4. Did the District fail to provide Student with a FAPE for 2013-2014 school year?
5. Did the District fail to provide the Student with a FAPE for the ESY in summer of 2014?
6. Was the District's proposed Individualized Education Program ("IEP") for the Student for the 2014-2015 school year appropriate?
7. If the District's proposed IEP for the 2014-2015 school year was not appropriate, what is the appropriate program?
8. If the District failed to offer a FAPE to Student for any duration from July 9, 2012 through July 9, 2014 was Ben Bronz Academy an appropriate placement for Student?

PROCEDURAL HISTORY:

The Board received Student's request for a Special Education Due Process Hearing on July 9, 2014. The undersigned Hearing Officer was appointed on July 10, 2014. On July 29, 2014, a prehearing conference was held. During the prehearing conference, hearing dates were set and the deadline for mailing the Final Decision and Order was established as September 22, 2014. During the prehearing conference, a request for extension of time to accommodate the hearing schedule was made and granted, resulting in a new deadline for the mailing of the Final Decision and Order of October 22, 2014. On October 8, 2014, during the second day of hearing, another extension of the mailing deadline was requested in order to accommodate the hearing

schedule. This request was granted resulting in a mailing deadline of November 21, 2014. On November 19, 2014, a request for an extension of the mailing deadline to accommodate the hearing schedule was made and granted resulting in a new mailing deadline of December 21, 2014. During the hearing on November 24, 2014, an oral request for an extension of the mailing deadline was made and granted, resulting in a new deadline of January 20, 2015. On January 15, 2015, a request for the extension of the mailing deadline was made by Counsel. This request was granted on January 16, 2015, and the new deadline for the mailing of the Final Decision and Order was established as February 19, 2015. On February 10, 2015, a request for the extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the hearing schedule was made and granted resulting in a new deadline of March 20, 2015.

Hearing dates were scheduled in this matter for of September 29, 2014, October 1, 2014, October 3, 2014, October 8, 2014, October 20, 2014, November 24, 2014, December 8, 2014, December 16, 2014, December 22, 2014, January 21, 2015, February 18, 2015, February 20, 2015, and February 27, 2015. The October 1, 2014 and October 3, 2014, and October 20, 2014 hearing dates were postponed due to availability of witnesses. The December 8, 2014 hearing date was cancelled due to the illness of Counsel. The December 22, 2014 and January 21, 2015 hearing dates were postponed due to settlement negotiations and the February 20, 2015 and February 27, 2015 hearing dates were cancelled due to the resolution of the case.

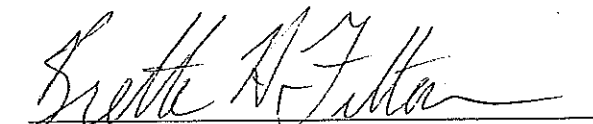
The hearing commenced on September 29, 2014, and four additional days of hearing were held on October 8, 2014, November 24, 2014, and December 16, 2014, and February 18, 2015. At the beginning of the hearing held on February 18, 2015, Attorney for the Student withdrew Student's hearing request with prejudice.

FINAL DECISION AND ORDER.

In light of the above facts, the request for a hearing 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