

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Wilton Board of Education

Appearing on behalf of the Parents: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Andreana Bellach
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901

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") for that portion of the 2013-2014 school year beginning on November 5, 2013?
2. Did the District deny Student a FAPE for the 2014-2015 school year?
3. Was the program proposed by the District for the 2015-2016 school year appropriate?
4. If the program proposed by the District for the 2015-2016 school year was not appropriate, is the program provided to Student by the Eagle Hill School in Southport appropriate, and, if it is appropriate, should Student be placed at Eagle Hill for the 2015-2016 school year?

PROCEDURAL HISTORY AND SUMMARY:


On November 5, 2015, the Board received a Special Education Due Process Hearing Request filed by Attorney for the Parents and the Connecticut State Department of Education appointed this Hearing Officer to preside over the matter. During the prehearing conference held on November 17, 2015, a hearing date of February 26, 2016 was set and the deadline for mailing the Final Decision and Order was established as Monday, January 19, 2016. An oral request for an extension of the mailing deadline was made by Attorney for the Parents during the conference. The stated purpose of the extension request was to allow the parties time to participate in settlement negotiations. This request was granted and a new deadline for the mailing of the Final Decision and Order was established as February 18, 2016. On January 16, 2016, Counsel jointly requested that the original hearing date of February 26, 2016 be postponed in order to let the parties participate in a mediation which had been scheduled for February 29, 2016. After a consideration of all of the relevant factors, and after the parties provided a new hearing date of March 28, 2016, this request was granted on February 3, 2016. The parties also jointly requested an extension of the deadline for the mailing of the Final Decision and Order to March 17, 2016 which was also granted on February 3, 2016. On February 29, 2016, Attorney for the Parents sent an email to the Hearing Officer in which she indicated Parents were withdrawing their Special Education Due Process Hearing Request with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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