

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Wilton Board of Education

Appearing on behalf of Student:

Attorney Gerry McMahon
Law Office of Gerry McMahon LLC
98 Mill Plain Road Suite 3B
Danbury, CT 06811

Appearing on behalf of the Board of Education:

Attorney Christopher Tracey
Shipman & Goodwin LLP
300 Atlantic Street
Stamford, CT 06901-3522

Appearing before:

Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via Letter dated February 26, 2016.² It was received by the Board of Education ("BOE") on February 26. The 30-day resolution period ended March 27 and the deadline to mail the final decision and order is May 11. A telephonic pre-hearing conference was held on March 14. Attorney McMahon appeared on behalf of Student and Attorney Tracey appeared on behalf of BOE.

ISSUES:

1. Did the Board of Education fail to timely and appropriately evaluate Student during the 2013-14 school year?
2. Did the Board of Education violate Student's Parent's procedural safeguards?
3. Did the Board of Education fail to provide Student with a free appropriate public education during the 2014-15 school year?
4. Did the Board of Education fail to provide Student with a free appropriate public education during the 2015 extended school year?
5. Did the Board of Education fail to provide Student with a free appropriate public education during the 2015-16 school year?
6. If the answer to any of the above issues is in the affirmative, what shall be the remedy?
7. If the answer to Issues Three, Four, and/or Five are in the affirmative, is Student's private placement appropriate?

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student" and "Student's Mother" in place of names and other personally identifiable information.

² All dates are 2016 unless otherwise indicated.

PROCEDURAL HISTORY:

The parties participated in a resolution session on March 7. The matter was not resolved at that time but the parties continued to discuss settlement. A hearing was scheduled for April 19. The parties did not file witness lists or exhibits five days in advance of the hearing date.


After inquiry from the undersigned Hearing Officer, Student's Attorney indicated that the settlement agreement was not yet fully executed and withdrew the request for due process without prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is dismissed without prejudice.

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

JANIS C. JERMAN

Hearing Officer Name in Print