

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: Jennifer Laviano, Esq.
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Craig Meuser, Esq.
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06901

Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the Individualized Education Programs (IEPs) and special education placements provided for the Student by the Board for the school years 2009-2010 and 2010-2011 appropriate to the Student's special education needs in the least restrictive environment?
2. Were the 2011-2012 IEP and placement offered by the Board appropriate to the Student's special education needs in the least restrictive environment?
3. Was the Student entitled to extended school year special education services (ESY) in 2011?
4. If the original IEP proposed by the Board for the 2011-2012 school year is not appropriate to the Student's special education needs, is placement at Kildonan School appropriate to the Student's special education needs?
5. If the Board's IEP and proposed special education placement for 2011-2012 were not appropriate to the Student's needs and placement at Kildonan is appropriate, is the Board responsible for funding that placement?
6. Has the Board, by omission or by commission, made procedural errors that impacted the Student's right to a free appropriate public education (FAPE) and/or the Parents'

right to participate in the IEP process? Possible procedural errors include, but are not limited to, the modification of the Student's proposed IEP outside the PPT process, inadequate consideration of the Independent Educational Evaluation by the PPT, and reduction of special education services for 2009-2010.

PROCEDURAL HISTORY:

This hearing was requested by Parents, *Pro Se*, on September 9, 2011. The Hearing Officer was appointed on September 9, 2011. Parents subsequently hired an attorney, and the pre-hearing conference was held on October 7, 2011. At that time, Parents requested an opportunity to amend the issues. After receiving amended issues from Parents on October 21, 2011, the Hearing Officer set the date for mailing the decision at December 30, 2011. The hearing was scheduled for December 5, 2011.

On November 23, 2011, the Parties requested that the December 5, 2011 hearing be postponed; the Hearing Officer granted that request. The Parties participated in mediation on November 30, 2011, and reached an agreement. On December 9, 2011, the Parents notified the Hearing Officer that the agreement had been signed by both Parties and the request for hearing had been withdrawn with prejudice.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

Parents have placed Student at Kildonan, a private school, and are asking that the Board fund that placement and other related costs.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

FINAL DECISION AND ORDER:

The Parties having reached an agreement and the request for hearing having been withdrawn, this case is DISMISSED with prejudice.