

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano  
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76 Route 37 South  
Sherman, CT 06784

Appearing on Behalf of the Board: Attorney Marsha B. Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Is the program offered by the Board at the Foundation School for the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Should the Student be placed in the Speech Academy for the 2011-2012 school year in order to receive FAPE in the LRE?
3. Should the Board reimburse the Parents for the cost incurred as a result of the denial of FAPE for the 2011-2012 school year?
4. Did the Board commit procedural violations in the denial of FAPE to the Student for the 2011-2012 school year?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Speech and Language Impaired and is entitled to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parents rejected the program offered by the Board for the 2011-2012 school year. The Parents requested that the Student be placed at The Speech Academy. The Board refused the Parents' request.

On or about May 4, 2012, the Board received notice of the Parents request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on May 8, 2012 and a pre-hearing conference was held on May 24, 2011. A hearing date of July 31, 2012 was chosen by the parties.

August 7, 2012

Final Decision and Order 12-0403

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were not able to resolve the matter in mediation but had agreed to a psychiatric evaluation of the Student. The Parents' attorney requested a withdrawal without prejudice to allow the Parents to obtain the evaluation and to review it.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Order and Decision is August 17, 2012.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**