

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Newtown 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: Michelle Laubin, Esq.  
Christine Sullivan, Esq.  
Berchem, Moses & Devlin, PC  
75 Broad Street  
Milford, CT 06460

Appearing before: Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board fail to timely identify Student as a student with a disability under the IDEA?
2. Did the Board offer FAPE, including related services and accommodations in the 2013-2014; 2014-2015 and 2015-2016 school years?
3. If not, is the Student's placement at Forman School appropriate?
4. If so, should Parents be reimbursed for the costs of tuition and education related expenses at Forman School?

**PROCEDURAL HISTORY/SUMMARY:**

The Parent filed the Due Process Complaint/Hearing Request on July 16, 2015, which was received by the Board the same day. The Hearing Officer was appointed on July 20, 2015 and conducted a Prehearing Conference on July 30, 2016 wherein the hearing issues above were identified and an initial hearing date was scheduled for September 30, 2015.

The hearing convened on September 30; October 7 and 17, 2015; January 7, 8, 21, 22, March 7, 17, 29; April 5, 7; May 4, 16 and 23, 2016. The Hearing Officer granted the parties' request for extension of mailing dates in order to add hearing dates and the mailing dates were as follows: September 29 and October 9, 2015; January 29, February 29, March 29, April 8 and May 27, 2016. Hearing dates were scheduled but canceled for December 7, 15, 17 and 21, 2015; February 2; March 2 and May 24, 2016.

May 24, 2016

Final Decision and Order 16-0036

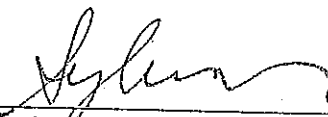
On May 16, the Parents' attorney reported to the Hearing Officer that the parties had come to an agreement in principle and requested an adjournment to finalize their agreement. On May 23, 2016, the Parents' attorney reported that the parties had executed their settlement agreement and that the Parent were withdrawing the Due Process Complaint with prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED** with 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).

  
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Hearing Officer Signature

Sylvia Ho  
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Hearing Officer      Name in Print