

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Region 5 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 Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, Ct 06460

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the District for the 2015-2016 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the District for the 2016-2017 school year appropriate and does it provide the Student with FAPE in the LRE? If so;
3. Did the unilateral placement of the Student at the Thames for the 2016-2017 school including extended school year services (ESY) provide a meaningful education?
4. Should the District be responsible for the cost of the unilateral placement of the Student for the 2016-2017 school year including ESY?
5. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Autism 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 et seq.

At a planning and placement team (PPT) meeting, the Parents requested reimbursement for the unilateral placement of the Student at Thames. The Board refused the Parents' request.

On May 25, 2017, the Board received notice of the Parents' request for due process. The parties agreed to a mediation session. The date for the mediation session was August 28, 2017.

An impartial hearing officer was appointed on May 25, 2017 and a pre-hearing conference was held on June 9, 2017. Hearing dates of September 11, 2017 was chosen by the parties. The hearing date was cancelled to allow the parties to continue mediating the matter and an alternate hearing date of October 13, 2017 was chosen by the parties.

The Parents raised a procedural issue: Did the District violate the Student's privacy rights? This issue needed to be clarified and was not made an issue of the hearing. The parties agreed to file briefs on the jurisdiction of the hearing officer on this issue and a decision would be rendered after the parties completed mediation on all other issues. The briefs were timely filed.

In an electronic transmission, the Parents informed the hearing officer that the matter was resolved and withdrew the matter with prejudice. The Board did not object to the withdrawal.

The date for mailing the Final Decision and Order was extended to accommodate the mediation, the filing of briefs and hearing dates. The date for mailing the Final Decision and Order is November 3, 2017.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**