

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on Behalf of the Parents: Jennifer D. Laviano, Esq.
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Appearing on Behalf of the Board: Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Student a student eligible for special education and related services as defined in 20 USC §§ 1401 et seq.?
2. Was the program and related services offered by the Board for the 2004-2005 appropriate and did the program provide the Student with FAPE according to 20 USC 1401 et seq?
3. Was the program and related services offered by the Board for the 2005-2006 appropriate and did the program provide the student with FAPE according to 20 USC 1401 et seq?
4. Was the program and related services offered by the Board for the 2006-2007 appropriate and did the program provide the Student with FAPE according to 20 USC 1401 et seq?
5. Should the Board reimburse the Parents for the cost of the unilateral placement at Eagle Hill for 2004-2005 and 2005-2006 school years?
6. Are the Parents barred by the statute of limitations from requesting reimbursement for their unilateral placement at Eagle Hill for the 2004-2005 school year?

SUMMARY AND PROCEDURAL HISTORY:

The Student is a 15 years and 10 month young man who has been exited from special education and is not entitled to receive a free and appropriate public education (“FAPE”)

as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et. seq. and Connecticut General Statute §10-76a.

At a PPT on August 2006, the Student was exited from special education and not offered a program for the 2006-2007 school year. The Parents objected to the Student being exited from special education and not being offered a program for the 2006-2007 school year. The Parents requested reimbursement for their unilateral placement of the Student at Eagle Hill for 2004-2005 and 2005-2006 school years. The Board refused the Parents request and the Parents requested a Due Process Hearing.

On April 2, 2007, a Hearing Officer was appointed. A pre-hearing conference was held on April 17, 2007 and an agreed upon hearing date of May 18, 2007 was scheduled. The Board received notice of the request for hearing on or about March 30, 2007. The parties agreed to waive the resolution meeting.

On or about May 14, 2007, the Parents' attorney requested a postponement of the hearing date and informed the Hearing Officer that the matter had been settled in principle and additional time was needed to put the agreement in writing. On or about July 6, 2007, the Parents' attorney informed the Hearing Officer that the matter is withdrawn.

In order to accommodate the hearing date and additional time to write the agreement, the parties extended the final decision and order to August 5, 2007.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.