

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 5 and Woodbridge Boards of Education

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

Appearing on behalf of the District: Michelle Laubin, Esq.
Berchem Moses, PC
75 Broad Street
Milford, CT 06460

Appearing before: Patrick L. Kennedy, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Woodbridge District commit procedural violations which resulted in a deprivation of FAPE to the Student for the 2018-19 school year?
2. Did the Woodbridge District deny FAPE to the Student by failing to offer him an appropriate program for the 2018-19 school year?
3. Did the Region 5 District commit procedural violations which resulted in a deprivation of FAPE to the Student for the 2019-20 school year?
4. Did the Region 5 District deny FAPE to the Student by failing to offer him an appropriate program for the 2019-20 school year?
5. Did the Region 5 District commit procedural violations which resulted in a deprivation of FAPE to the Student for the 2020-21 school year?
6. Did the Region 5 District deny FAPE to the Student by failing to offer him an appropriate program for the 2020-21 school year?
7. If there has been a denial of FAPE to the Student, is Easton Country Day School ("ECDS") an appropriate placement for the Student?

8. If there has been a denial of FAPE to the Student and ECDS is an appropriate placement, should the Region 5 District be ordered to place the Student at ECDS for the 2020-21 school year?
9. If there has been a denial of FAPE to the Student and ECDS is an appropriate placement, should the Region 5 District be ordered to reimburse the Parents for expenses incurred in the 2019-20 placement of the Student at ECDS?
10. If there has been a denial of FAPE to the Student, should any other remedies be ordered against one or both Districts?
11. Did the Region 5 District violate Section 504 of the Rehabilitation Act?
12. Did the Region 5 District violate the Americans With Disabilities Act?
13. Did the Woodbridge District violate Section 504 of the Rehabilitation Act?
14. Did the Woodbridge District violate the Americans With Disabilities Act?

SUMMARY AND PROCEDURAL HISTORY:

Case 21-0123 was commenced by the Parents against the Region 5 District by request received by that District on September 23, 2020. A prehearing conference was held on October 14, 2020. At the prehearing conference, it was determined that Issues 11 and 12 would be dismissed for lack of subject-matter jurisdiction. It was agreed that the hearing request would be amended to assert a cause of action against the Woodbridge District for the portion of the time period that the Student was actually attending Woodbridge schools and District counsel—which represented both districts—waived the need for filing a separate hearing request and consolidation of the two actions. A hearing date was set for December 3, 2020 and the decision date was determined to be December 7, 2020.

The Parents subsequently filed an amended hearing request asserting claims against both the Region 5 and Woodbridge Districts. Consistent with the actions taken with respect to Issues 11 and 12, Issues 13 and 14 were dismissed for lack of subject-matter jurisdiction. The filing of the amended hearing request extended the decision date to January 4, 2021 by operation of law. The scheduled hearing date was subsequently cancelled.

On December 16, 2020, the undersigned hearing officer was advised by the attorney for the Parents that the parties had reached a resolution and that the matter was being withdrawn with prejudice.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.