

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parents and Student: Atty. Jennifer D. Laviano, The Law Offices of Jennifer D. Laviano, LLC, 76 Route 37 South, Sherman, CT 06784

Appearing on behalf of the Trumbull Board of Education: Atty. Michelle C. Laubin, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Did the Board deny a free appropriate public education (FAPE) to the Student for the 2006-2007, 2007-2008 and 2008-2009 school years, including the 2007 and 2008 extended school years ("ESY"), in that it failed to provide an appropriate, intensive program based on his individual needs or designed to result in meaningful educational benefit and provide him with skills necessary to access his education and become more independent?

2. Did the Board violate the Parents' procedural safeguards?

3. If so, should the Board be required to residentially place the Student for the 2008-2009 school year at the Bancroft School in New Jersey?

4. If the Student was not offered a FAPE for any or all of these school years, is the Board financially responsible for reimbursing the Parents for all expenses they incurred for those school years, including the Bancroft School and related services?

5. Are the Parents entitled to compensatory education as a remedy for past deprivations of FAPE and procedural violations?

PROCEDURAL HISTORY

The Parents' attorney requested this hearing on October 30, 2008 by faxing a letter to the State Department of Education ("SDE"). The Board of Education's attorney received a copy of the letter on that date. This Hearing Officer was assigned to the case on November 4, 2008. On November 17, a prehearing conference was held. The mailing date for the final decision was set at January 13, 2009. The Parties had agreed to mediation, but did not have a date scheduled. Hearing dates were agreed on for January 6, 8 and 14. On November 26, the Parents' attorney requested an extension of the mailing date for the final decision to accommodate the January hearing dates and allow the Parties to schedule mediation. The request was granted and the mailing date was extended to February 9, 2009. On December 3, the SDE advised the Hearing Officer that mediation was scheduled on December 10, 2008. On December 11, the Parents' attorney advised the Hearing Officer that the Parties had reached an agreement at the mediation and withdrew the hearing request with prejudice.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed with prejudice.