

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

**Student v. Trumbull Board of Education**

**Appearing on behalf of the Parent:** Attorney Jennifer D. Laviano  
The Law Offices of Jennifer D. Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

**Appearing on behalf of the Board:** Attorney 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 in that it failed to provide an appropriate, intensive level of support required to both remediate and accommodate her special education needs?
2. Did the Board violate the Parent's procedural safeguards?
3. If the Student was not offered a FAPE for any or all of these school years, is the Board financially responsible for reimbursing the Parent for all expenses she incurred associated with the placement at Maplebrook School, including residential costs, and the evaluation by Dr. Kruger?
4. Should the Board be required to immediately place the Student at the Maplebrook School in New York?
5. Is the Parent entitled to compensatory education as a remedy for past deprivations of FAPE and procedural violations?

**PROCEDURAL HISTORY**

The Parent's attorney requested this hearing on February 19, 2009 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 February 20, 2009. On March 18, 2009 a prehearing conference was held. The mailing date for the final decision was set at May 15, 2009. The Parties had mediation, scheduled on March 24, 2009. Hearing dates were agreed on for April 23, 2009 and May 11, 2009. On March 18, 2009, the Parent's attorney requested an extension of the mailing date for the final decision to allow the Parties to participate in mediation and to prepare for the hearing. The request was granted and the mailing date was extended to June 4, 2009. On April 2, 2009, the Board's attorney requested a postponement of the April 23, 2009 hearing date so that the Parties could use that as a mediation date. The Parent's attorney agreed. The request was granted. On April 24, 2009, the Parent's attorney advised the Hearing Officer that the Parties had agreed at the mediation to gather additional information which might assist in producing a resolution of the issues. She requested a postponement of the May 11, 2009 hearing until late May or June with the consent of the Board's attorney. On May 4, 2009, the Hearing Officer notified the Parties that the May 11, 2009 hearing was canceled and asked whether the Parent wished to withdraw the hearing request without prejudice or propose new hearing dates. At the Parties' request on May 5, 2009 a hearing date was scheduled for June 24, 2009 and the mailing date for the final decision was extended to July 20, 2009. On June 17, 2009, the Parent's attorney notified the Hearing Officer that the Parties had reached some fundamental agreements with regard to the Student's program and stated that the Parent wished to withdraw the hearing request without prejudice.

**FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed without prejudice.