

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Bethany Board of Education

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

Appearing on behalf of the Board: Marsha B. Moses, Esq.,  
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 offered by the Board for the 2010-2011 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 Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2012-2013 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Should the Student be placed at Ben Bronz Academy for the 2012-2013 school year?
5. Should the Parent be reimbursed for cost incurred by the extended school year program (ESY) for the summer of 2012?
6. Should the Parent be reimbursed for the cost of the Cyberslate Program?
7. Is the Student entitled to compensatory education for the Board's denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Speech and Language Disabled and is entitled to receive FAPE as defined in 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 Parent rejected the program offered by the Board for the 2012-2013 school year. The Parent requested placement at Ben Bronz Academy for the 2012-2013 school year. The Board refused the Parent's request.

On November 19, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on February 14, 2013.

An impartial hearing officer was appointed on November 21, 2012 and a pre-hearing conference was held on November 28, 2012. A hearing date of February 14, 2013 was chosen by the parties. The parties requested cancellation of the hearing date in order to utilize it for mediation. An additional hearing date of April 11, 2013 was scheduled.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the issues but needed additional time in order to finalize the agreement. On April 9, 2013, in an electronic transmission, the Parent's attorney advised the hearing officer that the parties had finalized the agreement and requested that the matter be withdrawn with prejudice. The withdrawal was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is April 10, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITH PREJUDICE.**