

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 14 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: Attorney Rebecca R. Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2012-2013 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Should the Student be placed at ACES, in North Haven, CT, in order to receive FAPE in the LRE or in the alternate be provided with a 1:1 physical therapist or a professional who is trained in his unique physical and medical needs in order for him to receive FAPE in the LRE?
3. Should the Board provide an oral-motor feeding consultant to train the team to provide an appropriate oral-motor feeding program?
4. Should the Board reimburse the Parents for cost incurred for the denial of FAPE?

The Board's issues are as follows:

1. Was the issue of placing the Student at ACES properly presented at a planning and placement team (PPT)?
2. Was the issue of the Board providing an oral-motor feeding consultant to train the team properly raised at a PPT?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a PPT meeting, the Parents rejected the program offered by the Board for the 2012-2013 school year. The Parents requested placement at ACES in North Haven. The Board refused the Parents' request.

On July 25, 2013, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on July 26, 2013 and a pre-hearing conference was held on August 6, 2013. A hearing date of September 26, 2013 was chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties' mediation was scheduled for September 25, 2013 and requested the hearing date be canceled. The parties agreed to an October 21, 2013 hearing date. At the October 21, 2013 hearing, the Parents' attorney advised the hearing officer that the parties had resolved the matter and that it be withdrawn with prejudice. There was no objection by the Board. The withdrawal was granted.

The date for mailing the Final Decision and Order was extended to accommodate the mediation and the hearing date. The mailing date of the Final Decision and Order is November 7, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITH PREJUDICE.