

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Monroe 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 provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Was the unilateral placement of the Student at Eastern County Day School (ECDS) appropriate and does it provide a meaningful education?
3. Should Parent be reimbursed for the cost of the unilateral placement at ECDS for the 2013-2014 school year including transportation?
4. Should the Board reimburse the Parents for the cost of the sessions of the Student with Dr. Pomeraniec?
5. Is the Student entitled to Compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired-Central Auditory Processing Disorder 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 Parents rejected the program offered by the Board for the 2013-3014 school year. The Parents requested reimbursement for their unilateral placement of the Student at ECDS. The Board refused the Parents' request. The Parents filed for due process.

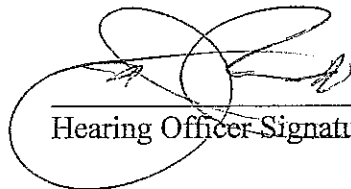
An impartial hearing officer was appointed on April 24, 2014 and a pre-hearing conference was held on June 2, 2014. A hearing date of July 29, 2014 was chosen by the parties. In an electronic transmission dated July 28, 2014, the Parents' attorney advised the hearing officer that the parties had resolved the matter but needed additional time to finalize the agreement. In a later electronic transmission, the Parents' attorney advised the hearing officer that the agreement had been ratified. The Parents withdrew their request for due process with prejudice. 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 August 29, 2014.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print