

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent:

Jennifer Laviano, Esq.  
Law Offices of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board:

Michelle Laubin, Esq.  
Berchem, Moses & Devlin, PC  
75 Broad Street  
Milford, CT 06460

Appearing before:

Sylvia Ho, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board offer appropriate programs for the 2012-2013, 2013-2014, 2014-2015 school years?
2. For the 2013-2014 school year,
  - a. Did the Board fail to provide positive behavioral supports?
  - b. Did the Board maintain a continuum of alternative placements?
  - c. Did the Board provide Student with a timely and appropriate IEP?
  - d. Did the Board provide timely prior written notice of procedural safeguards?
3. If the answers to 2c and/or 2d are in the affirmative, did the actions of the Board result in the denial of a FAPE to the Student?
4. Is Eagle School appropriate for Student?
5. Should the Parents be reimbursed for tuition and education related expenses for Eagle Hill?
6. Did the Board provide FAPE under Section 504 of the Rehabilitation Act of 1973?

**PROCEDURAL HISTORY/SUMMARY:**


The Parent filed the Due Process Complaint and Request for Hearing on February 10, 2015. The Hearing Officer was appointed on February 11, 2015 and conducted a Prehearing Conference on February 27, 2015. The hearing was scheduled for April 9, April 20 and April 23, 2015. Subsequently, Parents filed an Amended Complaint; the Board filed an objection. The Hearing Officer granted permission for the Amended Complaint on April 4, 2015 and conducted a second Prehearing Conference on April 9, 2015 during which both parties agreed to waive the Resolution period pursuant to 34 CFR §300.510 and to provide written confirmation by email. Therefore, the new Mailing Date of the Final Decision was extended to May 19, 2015. The hearing was rescheduled to May 15, 2015. At the commencement of the hearing, both parties reported to the Hearing Officer that the parties had settled the dispute and executed a settlement agreement and that the Parents were withdrawing the Due Process Complaint with prejudice.

**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).

  
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Hearing Officer Signature

Sylvia Ho  
Hearing Officer                  Name in Print