

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

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

Appearing on behalf of the Board: Michael McKeon, Esq.
Pullman & Conley, LLC
99 State House Square
Hartford, CT 06103

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)?
2. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Was the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
4. Does the program at Deveraux-Glenholme School in Washington, CT provide the Student with FAPE in the LRE?
5. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities 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 2015-2016 school year and requested placement of the Student at Deveraux-Glenholme School in Washington, CT at public expense; the Board denied the Parents' request. On June 29, 2015, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was scheduled for August 17, 2015.

An impartial hearing officer was appointed on June 30, 2015 and a pre-hearing conference was held on July 20, 2015. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and were withdrawing it with prejudice; there was no objection by the Board. The date for mailing the Final Decision and Order is September 11, 2015.

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