

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Fairfield 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. Is the Student eligible for special education and related services as defined in the Individuals with Disabilities Education Act (IDEA)? If so;
2. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is 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. Should the Board place the Student at the Easton Country Day School in Easton, CT for the 2015-2016 school year at public expense?
5. Is the Student entitled to Compensatory Education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

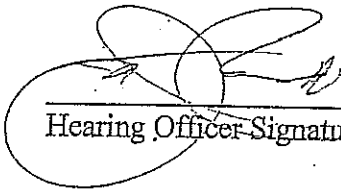
The Student has not been identified as eligible to receive FAPE as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statutes §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the determination that the Student was not eligible for special education and related services and requested the Student be identified as eligible and placed at Easton Country Day School for the 2015-2016 school year; the Board refused the Parents' request. On July 23, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on July 24, 2015 and a pre-hearing conference was held on August 4, 2015. The parties agreed to mediation in place of a resolution meeting. The mediation session was held on September 15, 2015.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the issues but required additional time to memorialize the agreement. In an electronic transmission dated October 22, 2015, the Parents' attorney withdrew the matter with prejudice. There was no objection by the Board; the withdrawal was granted. The mailing date for the Final Decision and Order was extended to November 5, 2015 to accommodate the parties' mediation.

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