

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Student: Attorney Jennifer Laviano  
The Law Offices of Jennifer Laviano  
76 Route 37 South  
Sherman, CT 06874

Appearing on behalf of the Board: Attorney Marsha Moses  
Berchem, Moses, and Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District deny the Student a Free Appropriate Public Education (“FAPE”) for the 2014-2015 school year?
2. Did the District deny the Student a FAPE for the Extended School Year (“ESY”) during the summer of 2015?
3. Did the District’s proposed program for the 2015-2016 school year deny the Student a FAPE?
4. Did the District violate the Student’s rights under the Individuals with Disabilities Education Act (“IDEA”) by failing to maintain a continuum of alternative placements?
5. Did the District violate the Student’s rights under the IDEA by failing to consider a non-approved program for Student through the Planning and Placement Team process?<sup>1</sup>

**PROCEDURAL HISTORY AND SUMMARY:**

On July 30, 2015, the Board received a Special Education Due Process Hearing Request (“Student’s Request”) filed by Student; the Hearing Officer was appointed on August 10, 2015. During the prehearing conference held on August 31, 2015, hearing dates of November 2, 2015 and November 17, 2015 were set and the deadline for mailing the Final Decision and Order was established as October 13, 2015. During the prehearing conference, Attorney for the Student requested an extension of the mailing deadline to accommodate the agreed upon hearing date

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<sup>1</sup> In addition to the issues listed herein, Student’s Request alleged certain violations of the IDEA by the State Department of Education, and sought as relief for those alleged violations an order that the State Department of Education take certain actions. These alleged violations and the claims for relief were the subject of a Motion to Dismiss filed by the Assistant Attorney General for the State. The Motion to Dismiss was granted, removing these issue and claims from consideration by the undersigned Hearing Officer.

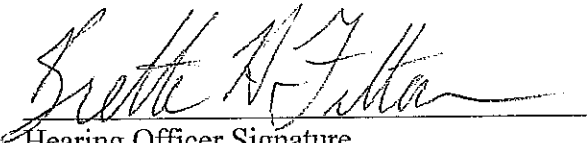
schedule. The Board had no objection to this request. This extension request was granted and resulted in a new deadline for the mailing of the Final Decision and Order of November 12, 2015. On October 16, 2015, Attorney for the Student requested a postponement of both hearing dates in order for the parties to participate in mediation. This request was granted for the November 2, 2015 date only. On November 6, 2015, Attorney for the Student requested an extension of the deadline for mailing the Final Decision and Order in order to allow the parties to engage in mediation on November 16, 2015. This request was granted and resulted in a new mailing deadline of December 11, 2015. Attorney for the Student also renewed her request to postpone the second scheduled hearing date. This request was denied and the hearing was opened on November 17, 2015. At the hearing, Attorney for the Student stated on the record that Student's Request was being withdrawn with prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.

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

Brette H. Fitton  
Hearing Officer      Name in Print