

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano
The Law Officers of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on Behalf of the Board: Attorney Michele Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2006-2007 school year appropriate and did it provide the Student with FAPE? If not;
2. Is the Student a student eligible to receive special education and related services as described in IDEA? If the Student is eligible;
3. Was the program offered by the Board for the 2007-2008 school year appropriate and did it provide the Student with FAPE?
4. Should the Board be required to pay for the evaluation, tutorial services and summer programs provided to the Student by the Parent?
5. Did the Board commit a procedural violation that caused a denial of FAPE entitling the Student to compensatory education?

SUMMARY AND PROCEDURAL HISTORY:

The Student is 11-years-old who has not been identified as entitled to receive a free and appropriate public education (“FAPE”) as defined and related services as defined in Individuals

with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT the Parent requested that the Student be identified as a student requiring special education and related services as defined in IDEA. The Board rejected the Parent's request.

On June 30, 2008, a hearing officer was appointed. The Board received notice of the request for due process on or about June 25, 2008. The parties waived a resolution meeting and instead proceeded to an advisory opinion. The advisory opinion was held on September 22, 2008. The parties were not able to resolve the matter at the advisory opinion. On March 6, 2009, the hearing officer received an e mail from the Parent's attorney informing the hearing officer that the matter had been settled. On or about April 7, 2009, the Parent's attorney informed the hearing officer that the matter was being withdrawn with prejudice. The request for withdrawal with prejudice was granted.

At the request of the parties, in order to accommodate the filing of a final decision and order after the hearing dates, the date for the mailing of the Final Decision and Order was extended.

The date for the mailing of the Final Decision and Order is April 14, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.