

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Redding Board of Education

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

Appearing on Behalf of the Board: Marsha B. Moses, Esq.  
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 and related services offered by the Board for the 2006-2007 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
2. Was the program and related services offered by the Board for the 2007-2008 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
3. Was the unilateral placement of the Student at Eagle Hill in Southport in February 2008 appropriate and did it provide the Student with FAPE in the least restrictive environment (LRE)?
4. Is the program and related services offered by the Board for the 2008-2009 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
5. Should the Board reimburse the Parents for the unilateral placement of the Student at Eagle Hill in Southport on February 2008 until June 2008?
6. Should the Board reimburse the Parents for the unilateral placement of the Student at Eagle Hill in Southport for the 2008-2009 school year?
7. Should the Board reimburse the Parents for the 2007 summer program?
8. Should the Board reimburse the Parents for the 2008 summer program?
9. Did the Board commit procedural violations that caused a denial of FAPE to the Student by failing to evaluate the Student, failing to convene a PPT as requested by the Parents and failing to consider information provided by the Parents?

10. Is the Student entitled to compensatory education?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is a 10 years old young man who has been identified as Specific Learning Disability and is entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a.

The Parents rejected the program offered to the Student for the 2008-2009 school year. The Parents unilaterally placed the Student at Eagle Hill in Southport on February 2008 and requested reimbursement for the placement. The Board rejected the Parents' request. On July 28, 2008, a Hearing officer was appointed. The Board received notice of the Parents' request for due process on or about July 21, 2008. The parties waived a resolution meeting and instead proceeded to mediation.

On or about September 11, 2008 the parties attended a mediation session and tentatively resolved the matter. On September 12, 2008 the hearing officer received a letter from the Parents attorney informing the hearing officer that the matter had not been settled. A hearing date of September 25, 2008 was agreed upon by the parties. The Parents' attorney informed the hearing officer that the matter had been settled and was being withdrawn with prejudice. The request for withdrawal with prejudice was granted and the hearing date was cancelled.

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 October 27, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**