

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing Before: Attorney Stacy M. Owens, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board provided the Student a free and appropriate public education (“FAPE”), including Extended School Year (“ESY”) and related services, in the least restrictive environment during the Student’s 2007-2008 school year;
2. Whether the Board violated the Student’s procedural safeguards during the 2007-2008 school year;
3. Whether the Board provided the Student a free and appropriate public education (“FAPE”), including Extended School Year (“ESY”) and related services, in the least restrictive environment during the Student’s 2008-2009 school year;
4. Whether the Board violated the Student’s procedural safeguards during the 2008-2009 school year;
5. Whether the Board provided the Student a free and appropriate public education (“FAPE”), including Extended School Year (“ESY”) and related services, in the least restrictive environment during the Student’s 2009-2010 school year; and
6. Whether the Board violated the Student’s procedural safeguards during the 2009-2010 school year;

SUMMARY/PROCEDURAL HISTORY:

On or about August 14, 2009, the Trumbull Board of Education (“the Board”) and the State of Connecticut Department of Education received a request for hearing from the Parent. (H.O. Exh. 1)

On August 20, 2009, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order. (H.O. Exh. 2)

A prehearing conference convened on August 28, 2009. (H.O. Exh. 3) During the prehearing conference, Attorney Jennifer Laviano appeared on behalf of the Parents; Attorney Michelle Laubin appeared on behalf of the Board. The issues were confirmed and the hearing was scheduled for October 15, 2009, October 22, 2009, November 5, 2009 and November 6, 2009. (H.O. Exh. 4).

On September 16, 2009, Attorney Laubin requested postponement of the first day of hearing with agreement from Attorney Laviano. (H.O. Exh. 5). The request was granted. (H.O. Exh. 6)

The parties convened for hearing on October 22, 2009. Prior to the commencement of the hearing, the parties successfully negotiated a resolution, but required additional time to put such agreement in writing. The hearing adjourned and was postponed until November 6, 2009, pending written agreement and withdrawal of the request for hearing. (Transcript 10/22/09)

By letter dated November 4, 2009, Attorney Laviano stated that “[t]he parties have finalized their agreement.... Accordingly, the parents hereby withdraw their request for Due Process with Prejudice.” (H.O. Exh. 7)

FINAL DECISION AND ORDER:

As such, and based on the foregoing, this matter is **dismissed with prejudice.**