

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Brookfield Board of Education

Appearing on behalf of the Parents:

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 Craig Meuser  
Chinni & Meuser LLC  
One Darling Lane  
Avon, CT 06001

Appearing before:

Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Is the unilateral placement of the Student, at the Kildonan School in Amenia, New York, appropriate and does it provide the Student with an appropriate education?
3. Should the Board be responsible for the cost of the unilateral placement of the Student at the Kildonan School for the 2013-2014 school year including transportation and related services?
4. Is the Student entitled to Compensatory Education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Specific Learning Disability and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2013-2014 school year. The Parents requested placement at the Kildonan School in Amenia, New York, for the 2013-2014 school year. The Board refused the Parents' request. On September 10, 2013, the Board received notice of the Parents' request for due process. The parties agreed to forego a resolution meeting and mediate the matter. The mediation date was pending.

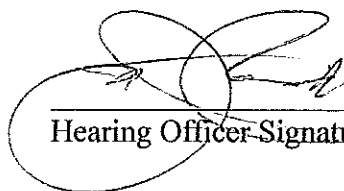
An impartial hearing officer was appointed on September 10, 2013 and a pre-hearing conference was held on September 20, 2013. A hearing date of November 8, 2013 was chosen by the parties. At the November 8, 2013 hearing date, the Parents' attorney withdrew the matter without prejudice. There was no objection by the Board. The mailing date for the Final Decision and Order is November 22, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER 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

Justino Rosado  
Hearing Officer Name in Print