

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

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

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

Appearing before: Attorney Mary Elizabeth Oppenheim  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board fail to offer the Student FAPE for the 2011-12, 2012-13 and 2013-14 school years, including ESY 2012 and ESY 2013 because the programs and services were not intensive, individualized, or sufficient to allow him to make meaningful educational progress academically, socially or with appropriate functional and adaptive skills?
2. Did the Board deny the Student FAPE by failing to keep him safe from bullying and available for learning, both within Ridgefield Public Schools and at CES?
3. Did the Board violate the Student's procedural safeguards by not timely conducting a functional behavioral assessment, not proposing a sufficient behavior plan as a result of the 5/21/12 FBA, calling a PPT on 2 days' notice without parent consent, presenting Dr. Aversa's report without making a copy available in advance of the PPT, failing to maintain and explore a continuum of appropriate alternative placements, not allowing the parents to fully and meaningfully participate in the 6/21/13 PPT, improperly and arbitrarily downgrading the Student's ESY services for summer 2013 at the 7/21/13 PPT, failing to provide the required related service of transportation to the ESY 2013 program, failing to have an appropriate IEP in place prior to the first day of the 2012-13 and 2013-14 school years, failing to convene an emergency PPT for nearly a month after the Parents requested one, failing to consider AT at the revision of each IEP and failing to provide the Student with appropriate and positive behavioral support?
4. Shall the Student be placed at the Grove School as a residential student?
5. Is the Student entitled to compensatory education?

**PROCEDURAL HISTORY/DISCUSSION:**

The Board received this request for hearing on October 24, 2013 and a prehearing conference convened on October 31. At the prehearing conference the parties stated that they agreed to mediation, although mediation had not yet been scheduled. The parties agreed to convene the hearing on January 6, 2014 and an extension of the mailing date of the decision was granted so that the parties could attempt to settle the case at mediation.

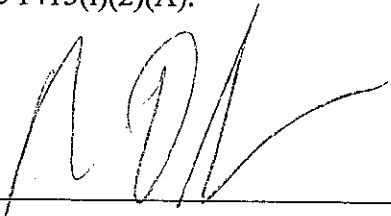
Prior to the scheduled hearing date, the Parents' attorney submitted notification that the Parents were withdrawing their Due Process Hearing request, without prejudice. Therefore, this matter is dismissed, without prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**, without prejudice.

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).



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Attorney Mary Elizabeth Oppenheim  
Hearing Officer