

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent:

Jennifer Laviano, Esq.
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Michelle Laubin, Esq.
Berchem, Moses and Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer appropriate programs for the 2012-2013; 2013-2014, 2014-2015 school years?
2. For the 2013-2014 school year,
 - a. Did the Board fail to provide positive behavioral supports?
 - b. Did the Board maintain a continuum of alternative placements?
 - c. Did the Board provide Student with a timely and appropriate IEP?
 - d. Did the Board provide timely prior written notice of procedural safeguards?
3. If the answers to 2c and/or 2d are in the affirmative, did the actions of the Board result in the denial of a FAPE to the Student?
4. Is Eagle Hill School appropriate for Student?
5. Should the Parents be reimbursed for tuition and education related expenses for Eagle Hill?
6. Should the Parents be reimbursed for their payments for assessments and services of related services providers?

PROCEDURAL HISTORY/SUMMARY:

The Parent filed the Due Process Complaint and Request for Hearing on August 26, 2014. The Hearing Officer was appointed on August 27, 2014 and conducted a Prehearing Conference on September 9, 2014. The hearing was scheduled for October 28, 2014. On October 22, 2014, the Parent requested a postponement of the hearing date and an extension of the mailing date of the Final Decision to engage in mediation. The parties' request was granted and the hearing date was postponed to November 21, 2014 and the mailing date of the Final Decision was postponed to December 5, 2015. On November 25, 2014, the Parent withdrew the Due Process Complaint 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).



Hearing Officer Signature

Sylvia Ho

Hearing Officer

Name in Print