

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Regional District No. 6 v. Student

Appearing on behalf of the Parent:

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

Appearing on behalf of the Board:

Christine Chinni, Esq.
Chinni & Meuser, LLC
One Darling Drive
Avon, CT 06001

Appearing before:

Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Functional Behavioral Assessment (FBA) conducted by the Board appropriate? If not:
2. Should the Board conduct an independent FBA at public expense?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free, appropriate public education in the least restrictive environment 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 Parent rejected the Functional Behavioral Assessment performed by the Board. The Parent requested an independent FBA. The Board refused the Parent's request.

The parties advised the hearing officer that they were going to mediate the matter. The mediation date was pending. The mediation was not successful.

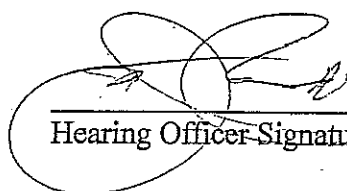
An impartial hearing officer was appointed on April 7, 2015, and a pre-hearing conference was held on April 24, 2015. A June 10, 2015 hearing date was chosen by the parties. On the June 10, 2015 hearing date, the Parent withdrew their request for an independent FBA and the Board withdrew their request for due process. The mailing date for the Final Decision and Order is June 19, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH 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

Justino Rosado
Hearing Officer Name in Print