

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield 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 Michelle Laubin  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District deny Student a Free Appropriate Public Education (“FAPE”) for that portion of the 2012-2013 school year running from May 19, 2013 to the end of the 2013 school year?
2. Did the District deny the Student a FAPE for the Extended School Year (“ESY”) during the summer of 2013?
3. Did the District deny the Student a FAPE for the 2013-2014 school year?
4. Did the District deny the Student a FAPE for the ESY during the summer of 2014?
5. Was the program the District proposed for Student for the 2014-2015 school year appropriate? If the program was not appropriate, what was the appropriate program?
6. Is the District’s proposed program for the ESY in the summer of 2015 appropriate? If the program is not appropriate, what is the appropriate program?
7. Did the District violate Student’s rights under Title II of the Americans with Disabilities Act during the period of time beginning May 19, 2012 through the date the Student was unilaterally placed by Parents?
8. Did the District violate Student’s rights under Section 504 of the Rehabilitation Act during the period of time beginning May 19, 2012 through the date the Student was unilaterally placed by Parents?

**PROCEDURAL HISTORY AND SUMMARY:**

On May 19, 2015, the Fairfield Board of Education received Parents’ request for a Special Education Due Process Hearing. The undersigned Hearing Officer was appointed on May 27, 2015. During the prehearing conference held on June 9, 2015, the deadline for mailing the Final Decision and Order was established as July 31, 2015 and hearing dates of August 4, 2015 and

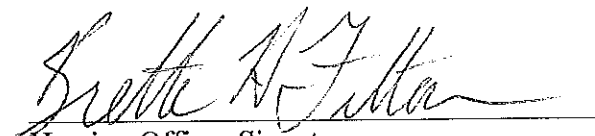
August 6, 2015 were set. Via email dated June 29, 2015, Attorney for the Student requested a thirty day extension of the deadline for the mailing of the Final Decision and Order in order to accommodate the agreed upon hearing date schedule. Attorney for the Board had no objection to this request. The extension request was granted and resulted in a revised deadline of August 28, 2015. On July 31, 2015, both scheduled hearing dates were postponed at the request of Attorney for the Student so that both parties could participate in a Planning and Placement Team meeting to discuss new services being offered by the District which could impact Student's program. On August 4, 2015, a second prehearing conference was held and new hearing dates of October 23, 2015, October 30, 2015, November 2, 2015, November 4, 2015, November 12, 2015, and November 13, 2015 were set. On August 20, 2015, Attorney for the Student made a second request to extend the deadline for mailing the Final Decision and Order. The stated purpose of this extension request was to permit the parties to reduce a settlement agreement to a writing. This request was granted and resulted in a new deadline of September 25, 2015. On September 9, 2015, Attorney sent an email to the Hearing Officer in which she withdrew Parents' Special Education Due Process Hearing Request with prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case 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

Brette H. Fitton  
Hearing Officer      Name in Print