

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford 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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate Student’s substantive rights to a Free Appropriate Public Education (“FAPE”) under the Individuals with Disabilities Education Act (“IDEA”) for the 2016-2017 school year and Extended School Year (“ESY”) in summer of 2016 by, including, but not limited to:
 - a. Failing to offer an Individualized Education Program (“IEP”) to meet his unique needs;
 - b. Failing to maintain a continuum of appropriate alternative placement options; and/or
 - c. Failing to provide transition programming which allows Student to become independent?
2. Did the District violate Student’s procedural safeguards under the IDEA by:
 - a. Failing to fund the ESY program recommended by the PPT at the 7/11/16 PPT meeting;
 - b. Converting the 7/11/16 PPT meeting to an annual review with no ability or expectation of offering an IEP for the 16-17 school year;
 - c. Failing to reconvene the 7/11/16 PPT meeting as recommended by the PPT; and/or
 - d. Failing to have an IEP in place by the first day of school?
3. If the District violated Student’s procedural safeguards under the IDEA, did such violations operate to deny Student a FAPE?

PROCEDURAL HISTORY AND SUMMARY:

On March 14, 2017, the Stamford Board of Education received a request for a special education due process hearing filed by the Attorney for the Parents. On March 21, 2017, the Connecticut State Department of Education appointed the undersigned Hearing Officer to hear the case. A prehearing conference was held on April 18, 2017. During the prehearing conference, June 22, 2017 was set as the initial hearing date and May 26, 2017 was established as the deadline for mailing the final decision. Attorney for the Parents requested an extension of the deadline in order to accommodate the agreed

July 10, 2017

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upon hearing date schedule and the Board did not object to this request. The request for extension of the mailing deadline was granted, resulting in a new deadline of June 23, 2017. On May 24, 2017, the Attorney for the Parents requested a second extension of the mailing deadline to accommodate the agreed upon hearing date schedule. After a consideration of the relevant factors under R.C.S.A. Section 10-76h-9(d), this request was granted and resulted in a new deadline of July 21, 2017. On June 14, 2017, the Attorney for the Parent requested a postponement of the June 22, 2017 hearing date in order to execute a settlement agreement. After a consideration of the relevant factors, this request was granted and the hearing date was postponed to July 19, 2017. On July 5, 2017, the Attorney for Parents withdrew Parents' request for a special education due process hearing with prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.