

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 10 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 Michael McKeon
Pullman and Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Does the program proposed by the Board for the 2015-2016 school year deny Student a Free Appropriate Public Education ("FAPE")?
2. If the program proposed by the Board for the 2015-2015 school year does not provide Student with a FAPE, is placement at the Meliora Academy the appropriate program?
3. Did the Board predetermine the Student's program for the 2015-2016 school year?
4. If it is found with respect to Issue Number 3 that the Board did predetermine the Student's program, did such predetermination constitute a procedural violation sufficient to deny the Student a FAPE?

PROCEDURAL HISTORY AND SUMMARY:

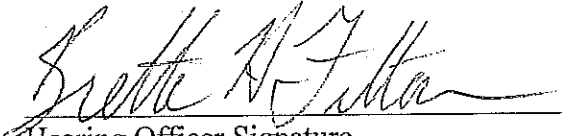
On August 19, 2015, the Board received a Special Education Due Process Hearing Request filed by Student. The Hearing Officer was appointed on August 20, 2015. During the prehearing conference held on September 1, 2015, the above hearing dates were set and the deadline for mailing the Final Decision and Order was established as Monday, November 2, 2015. An oral request for extension of the mailing deadline was made by Attorney for the Student during the prehearing conference, in order to allow the parties time to engage in mediation and to accommodate the agreed upon hearing schedule, which was granted. A new deadline of December 2, 2015 was established. The hearing convened on November 10, 2015, but was suspended to allow the parties to engage in mediation. On November 12, 2015, Attorney for the Student withdrew the hearing request without 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