

March 30, 2016

Final Decision and Order 16-0241

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Litchfield Board of Education

Appearing on behalf of the Parent:

Elizabeth Moyse, Esq.  
Law Office of Jennifer Laviano, LLC  
75 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board:

Frederick Dorsey, Esq.  
Kainen, Escalera & McHale, PC  
21 Oak Street  
Hartford, CT 06106

Appearing before:

Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board provide FAPE for the 2013-2014; 2014-2015 and 2015-2016 school years and extended school years?
2. Did the Board violate the Student's procedural safeguards in the above school years?
3. Did the Board fail to evaluate Student in all areas of suspected disabilities in any or all of the above school years?
4. Did the Board violate Student's rights under Section 504 of the Rehabilitation Act ("Section 504") in any of the above years?
5. Did the Board act with "deliberate indifference" in contravention of Section 504?
6. Did the Board violate the Student's rights under the Americans with Disabilities Act in any or all of the above years?
7. Should Parents be reimbursed for evaluations and private tutoring services for the Student?

**PROCEDURAL HISTORY/SUMMARY:**

The Parent filed the Due Process Complaint and Request for Hearing on November 12, 2015. The Hearing Officer was appointed the same day and conducted a Prehearing Conference on November 24, 2015. The hearing was scheduled for January 25, 2016. The Parents filed an Amended Complaint on January 15, 2016. The Board consented to the filing of the Amended Complaint. As result, the timelines were reset pursuant to 34 CFR §300.508(d)(3)(i). The Hearing was scheduled for March 22, 2016. On February 22, 2016, the Parents' attorney reported that the parties had agreed to engage in mediation with a state appointed mediator on March 22. The Hearing was postponed to April 14, 2016 and the mailing date of the Final Decision was extended to April 29, 2016. On March 23, 2016, the parties reported to the Hearing Officer that they had executed a mediation agreement and the Parents requested a dismissal of the Due Process Complaint with prejudice.

**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

Sylvia Ho

Hearing Officer

Name in Print