

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Suffield 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 of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2015/2016 School Year?
2. Does the Student require a residential placement?
3. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year and the Student requires a residential placement, is The Devereaux Glenholm School ("DGS") appropriate?
4. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year and the Student requires a residential placement and DGS is appropriate, is there an appropriate residential placement that is less restrictive than DGS within one hour's travel from the Student's home?
5. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year and the Student requires a residential placement and DGS is appropriate and there is not an appropriate residential placement that is less restrictive than DGS within one hour's travel from the Student's home, is the Student entitled to reimbursement for the expenses of DGS?
6. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year and the Student requires a residential placement and DGS is appropriate and there is not an appropriate residential placement that is less restrictive than DGS within one hour's travel from the Student's home, should the Student be placed at DGS?
7. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year but the Student does not require a residential placement and/or DGS is not appropriate and/or there is an appropriate residential placement that is less restrictive than DGS within one hour's travel from the Student's home, is the Student entitled to compensatory education services?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on February 23, 2016. This Impartial Hearing Officer was appointed to hear the case on February 24, 2016. A telephonic pre-hearing conference was convened on April 5, 2016. Attorney Jennifer Laviano appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. The deadline for filing the final decision was established to be May 6, 2016. An evidentiary hearing was scheduled for June 20, 2016.

On April 11, 2016 the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to June 3, 2016. The purpose of the requested postponement and extension was to allow the parties an opportunity to mediate. The Board of Education agreed to the requested postponement and it was granted.

On May 31, 2016 the Student submitted a second written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to July 1, 2016. The purpose of the requested postponement and extension was to allow the parties an opportunity to pursue due process. The Board of Education did not object to the requested postponement and it was also granted.

On June 16, 2016 the Student submitted a third written request for a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case. The purpose of the requested postponement and extension was to allow the parties an opportunity to enjoy due process. The Board of Education did not object to the requested postponement and it was granted.

On July 6, 2016, the Student reported that the parties had resolved their disputes and requested that the matter be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this 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

ANN F BIRD

Hearing Officer

Name in Print