

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, Connecticut 06784

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before: Attorney Robert L. Skelley, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board commit a Child Find violation by failing to identify and evaluate the Student from June 21, 2005 through August, 2012 when an Individualized Education Program was created?
2. If the Board did commit a Child Find violation during the time period specified in No. 1, does that violation rise to the level that the statute of limitations regarding the time limits for a complaint to be brought should be waived?
3. Did the Board commit violations for the provision of a Free and Appropriate Public Education ("FAPE") (as more specifically outlined in the request for a Due Process Hearing, dated February 4, 2013) for the years of 2010-2011, 2011-2012 and 2012-2013?
4. Is the placement and program offered by the Board for the 2012-2013 year appropriate for the Student?
5. Did the Board commit procedural violations by failing to timely convene PPTs; by failing to have an appropriate IEP in place prior to the Extended School Year ("ESY") 2012 and the 2012-2013 school year; fail to consider functional and adaptive needs in the identification of the Student; and fail to maintain a continuum of appropriate alternative placements?
6. Has the Board denied the Student a FAPE by failing to properly address issues of bullying to the Student?
7. If the Board has denied the Student a FAPE for any of the allowable time periods in question, what would be the appropriate remedy?
8. What, if any, would be the appropriate compensatory services?
9. Are the Parents entitled to reimbursement for the ESY program at Devereaux Glenholme for summer 2012?

PROCEDURAL HISTORY:

The initial complaint was filed and received by the North Branford Board of Education ("Board") on February 13, 2013. On February 22, 2013 the Parties participated in a Pre-hearing conference where the above issues were identified. At the Pre-hearing conference Attorney Laviano requested an extension of the resolution period to allow for the Parties to participate in mediation. The Parties had agreed to mediation in lieu of a Resolution meeting and were actively seeking a mediation date. The request was granted, moving the

Resolution period and hence the final decision and order date forward thirty (30) days. The new final decision and order date became May 24, 2013. A due process hearing date was set for April 26, 2013.

On April 8, 2013 the Parties participated in mediation and reached agreement, which was formalized and signed on that date. On April 8, 2013, via email, counsel for the Parents formally withdrew the complaint, with prejudice.

FINAL DECISION AND ORDER:

Pursuant to the withdrawal of the complaint by the Parents with prejudice, and with no other issues remaining before the Hearing Officer, this matter is dismissed with prejudice.