

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Parent: Attorney Jennifer Laviano
76 Route 37 South
Sherman, CT 06784

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

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Newtown Board of Education ("Board") deny the Student a free and appropriate public education ("FAPE") for the 2013-2014 academic year (starting August 2013 forward) by not providing the Student with an appropriate individualized education program ("IEP") that was individualized, intensive or sufficient to allow him to make meaningful educational progress?
2. If the answer to issue number 1 is YES, what is the proper remedy?

PROCEDURAL HISTORY:

The complaint for a due process hearing was filed on February 18, 2014 by the Parents. A prehearing conference was held on March 3, 2014; from which the issues stated above were identified and agreed upon by the Parties. An initial due process hearing date was set for May 2, 2014. On March 22, 2014 the Parties indicated that they had been unable to find a mutually acceptable mediation date and requested to utilize the May 2, 2014 hearing date for that purpose. The hearing date would be moved to May 15, 2014 to accommodate the attorneys and current schedules. The request was granted. On May 15, 2014 the due process hearing was convened. The Parties requested a short amount of time at the start of the hearing to reach an agreement. Within a short period of time the Parties indicated that they had reached agreement in principle and requested time to formalize the agreement in writing. The Parties were given until May 28, 2014 to do so. On May 22, 2014, Counsel for the Parents, via email, withdrew the complaint without prejudice.

FINAL DECISION AND ORDER:

The complaint has been withdrawn by the Parents, without prejudice. With no further issues to be decided, this matter is DISMISSED without 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print