

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. North Branford 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 Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to meet child find obligations and, therefore, denied the Student a free appropriate public education [FAPE] for the 2010-11, 2011-12 and prior school years;
2. Whether the IEPs offered to the Student for the 2012-13 school year failed to provide FAPE as they were not intensive, individualized, or sufficient to allow him to make meaningful educational progress, both academically and socially, nor to prepare him for post-secondary education;
3. Whether the Board failed to provide the Student with homebound tutoring in a timely manner;
4. Whether the Board violated the Student's IDEA and 504 rights by failing to protect him from repeated bullying at Career Hill, despite knowledge of the incidents, depriving him of access to his entitlement to an education;
5. Whether the Board violated the Student's procedural safeguards by failing to timely convene PPTs, failing to review the Dr. Stubbe evaluation in a timely manner, failing to have an appropriate IEP in place prior to the ESY 2012 and 2012-13 school year, failing to evaluate him in all suspected areas of disability, failing to consider functional and adaptive needs in identification, focusing only on academic performance and failing to maintain a continuum of appropriate alternative placements;
6. Whether the Student shall be placed at The Deveraux Glenholme School in Washington, Connecticut as a residential placement, as requested by the Parents;
7. Whether the Student requires a residential placement to obtain educational benefit;
8. Whether the Board offered the Student a program in the least restrictive environment for the 2012-13 school year;
9. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on November 13, 2012 and a prehearing conference convened on November 30, 2012. The parties mediated the case on December 7, 2012. On December 12, 2012 the Parents' attorney submitted notification that the parties did not resolve the matter at mediation, but that the Parents had initiated a neuropsychological evaluation of the Student which will not be completed until February. Due to scheduling difficulties, the Parents' attorney requested that the Parents withdraw the request for due process, without prejudice. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.