

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Waterbury Board of Education

Appearing on behalf of the Parents: Jennifer D. Laviano, Esq.  
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Sherman, CT 06784

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

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE? If not,
3. Did the Board commit procedural violations that deprived the Student of FAPE?
4. Should the Board reimburse the Parents for their unilateral placement of the Student at Speech Academy for the 2010-2011 school year?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at Speech Academy for the 2011-2012 school year?
6. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 and 2011-2012 school years?
7. Is the program at The Yeshiva K'tana with support and related services an appropriate program for the Student for the 2011-2012 school year?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Autism and is entitled to receive FAPE as defined in The Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2011-2012 school year. The Parents requested placement at Yeshiva K'tana for the 2011-2012 school year. The Board refused the Parents' request.

On May 24, 2012 the Board received notice of the Parents request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on May 30, 2012 and a pre-hearing conference was held on June 4, 2012. A hearing date of August 1, 2012 was chosen by the parties. In an electronic transmission, the Parents' attorney requested cancellation of the hearing date because the mediation date had to be extended. New hearing dates of January 9, 10, 24 and 25, 2013 were chosen by the parties.

In an electronic transmission, the Parents advised the hearing officer that an agreement had been finalized and requested that the matter be withdrawn with prejudice. The withdrawal with prejudice was granted and the hearing dates were cancelled.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is January 29, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**