

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Ridgefield Board of Education v. Student

Appearing on behalf of the Parents: Attorney Elizabeth Moyse  
Law Offices of Jennifer D. Laviano, LLC  
77 Danbury Road Suite-C6  
Ridgefield, CT 06877

Appearing on behalf of the Board: Attorney Michelle Laubin  
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 Functional Behavioral Assessment (FBA) conducted by the District appropriate? If not:
2. Should the District conduct an independent FBA at public expense?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Emotional Disability and is entitled to receive a free and appropriate public education in the least restrictive environment as defined in the Individuals With Disabilities Education Improvement Act (IDEIA) 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 were not in agreement with the results of the FBA performed by the Board. The Parents requested an independent FBA at public expense. The Board refused the Parents request and requested due process pursuant to the provisions of 34 C.F.R. §300.502(b)(2)(i). An impartial hearing officer was appointed on March 19, 2015 and a pre-hearing conference was held on March 25, 2015. Hearing dates of April 27 and 28, 2015 were chosen by the parties.

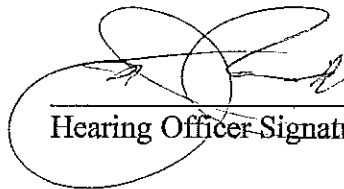
In an electronic transmission, dated April 23, 2015, the Boards' attorney informed the hearing officer that the matter had been resolved and withdrew the matter with prejudice. The hearing dates were cancelled. The date for mailing the Final Decision and Order is May 1, 2015.

**FINAL DECISION AND ORDER:**

**THE 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).



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Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print