

March 15, 2013

Final Decision and Order 13-0206

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Student:

Jennifer Laviano, Esq.
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Marsha Moses, Esq.
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Sylvia Ho, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board offer Student an appropriate program for the 2012-2013 school year?
2. If not, should the Board be required to reimburse Parents for tuition and education related expenses in their unilateral private placement of Student?

PROCEDURAL HISTORY/ SUMMARY:

The Student filed the Complaint for Due Process and Request for Hearing on November 6, 2012. The Hearing Officer was appointed on November 9, 2012. The original mailing date of the Final Decision was January 23, 2013.

The Hearing Officer conducted a telephonic prehearing conference with the parties on November 19, 2012 and a hearing was scheduled for January 22, 2013. During the prehearing conference, the Board's attorney raised concerns about the Complaint, including the Student's request for compensatory education for periods covered by a previous settlement agreement between the parties. The Board also objected to certain portions of the Complaint that included information from previous years that the Board considered to be settled and inadmissible. The Student's attorney stated that the Student would file an Amended Complaint and withdraw the request for compensatory education. The Student filed an Amended Complaint on January 11, 2013. The hearing was rescheduled to March 14, 2013. The timelines were extended and the mailing date of the Final Decision was revised to March 27, 2013.

The Board filed a Motion to Strike the Amended Complaint on January 21, 2013. The Hearing Officer conducted a hearing on the Board's Motion to Strike on February 28, 2013. The parties came to agreement over the objectionable portions of the Amended Complaint during the hearing. The Board withdrew its Motion to Strike. The Student filed the second Amended Complaint was filed on March 3, 2013. The mailing date of the Final Decision was revised to May 17, 2013. On March 8, 2013, the Student's attorney informed the Hearing Officer that the Student would withdraw the Hearing Request without prejudice so that it may be amended and re-filed at a later time.

FINAL DECISION AND ORDER:

The matter is DISMISSED without prejudice.