

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student vs. Newtown Board of Education

Appearing on behalf of the Parent: Attorney Erin Duques
The Law Offices of Jennifer Laviano, LLC
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 06784

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

FINAL DECISION AND ORDER

ISSUES:

1. Did the Newtown Board of Education ("Board") fail to provide the Student a free and appropriate public education ("FAPE") for the 2012-2013 academic years, inclusive of the summer extended school year ("ESY") because it failed to provide a program that included instruction and support necessary to adequately address the Student's needs in the areas of pragmatic language, social skills, written expression and executive functioning?
2. Did the Board fail to provide Student a FAPE for the 2013-2014 academic years, inclusive of summer ESY, because it failed to provide a program that included instruction and support necessary to adequately address the Student's needs in the areas of pragmatic language, social skills, written expression and executive functioning?
3. Did the Board fail to provide Student a FAPE for the 2014-2015 academic years, inclusive of summer ESY, because it failed to provide a program that included instruction and support necessary to adequately address the Student's needs in the areas of pragmatic language, social skills, written expression and executive functioning?
4. Did the Board deny the Student a FAPE by violating his procedural safeguards for the years in question, in part but not limited to, by failing to implement the individualized education program ("IEP") as written?

PROCEDURAL HISTORY:

The Parents filed this complaint for a due process hearing on January 26, 2015. A prehearing conference was convened telephonically on February 12, 2015, from which the issues listed above were identified. An initial due process hearing was set for March 31, 2015. On March 20, 2015, counsel for the Parents notified the hearing officer that the Parties had reached resolution and the Parents were withdrawing the complaint for due process, without prejudice.

FINAL DECISION AND ORDER:

With the withdrawal of the complaint by the Parents on March 20, 2015, and 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