

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parents: Attorney Jennifer D. Laviano
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 program provided by the Board from January 24, 2013 until the end of the 2012-2013 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 provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Was the program provided by the Board for the 2014-2015 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Does the Student require an extended school year (ESY) services in order to receive FAPE?
5. Should the Student's classification be changed to Autism?
6. Does the Student require a Functional Behavior Assessment (FBA) in order to receive FAPE?
7. Does the Student require an independent physical therapist in order to receive FAPE?
8. Does the Student require a comprehensive multi-disciplinary evaluation?
9. Should the Parents be reimbursed for the cost of the private physical therapist (PT), the private occupational therapist (OT), counseling services and increased psychiatric treatment following the March 13, 2014?
10. Does the Student require 1:1 OT services?
11. Did the Board commit procedural violations by not having monthly meetings in compliance with the Student's IEP??
12. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired (OHI) ADD/ADHD 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 provided by the Board for the 2014-2015 school year. The Parents requested a Functional Behavior Assessment (FBA) and reimbursement for the cost of the private physical therapist (PT), the private occupational therapist (OT), counseling services and increased psychiatric treatment. The Board refused the Parents' request.

On January 22, 2015, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. An impartial hearing officer was appointed on January 29, 2015 and a pre-hearing conference was held on February 18, 2015. A hearing date of April 6, 2015 was chosen by the parties.

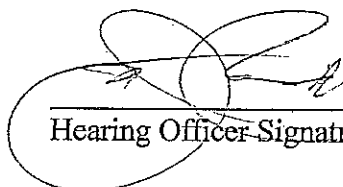
In an electronic transmission, the Parents' attorney informed the hearing officer that the parties were working to resolve the matter and requested to withdraw the matter without prejudice. The date for the mailing of the Final Decision and Order was extended to accommodate the mediation and the hearing date. The date for mailing the Final Decision and Order is April 7, 2015.

FINAL DECISION AND ORDER:

THE 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

Justino Rosado
Hearing Officer Name in Print