

July 29, 2013

Final Decision and Order 13-0510

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 14 Board of Education

Appearing on behalf of the Parent: Jennifer D. Laviano, Esq.,
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Rebecca R. Santiago
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2012-2013 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the Student require a 1:1 physical therapist or a professional who is trained in his unique physical and medical needs in order for him to receive FAPE in the LRE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities 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 2012-2013 school year. The Parents requested a 1:1 physical therapist or a professional who is trained in his unique physical and medical needs. The Board refused the Parents' request.

On May 28, 2013, 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 29, 2013 and a pre-hearing conference was held on June 5, 2013. Hearing dates of July 21, 21, August 6 and 7, 2013 were chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties had an interim summer plan they wanted to test to see if the matter could be resolved. The Parents' attorney requested that the matter be withdrawn without prejudice. There was no objection by the Board. The withdrawal was granted. The date for mailing the Final Decision and Order is August 11, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.