

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Region 10 Board of Education

Appearing on behalf of the Parents: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Michael P. McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103-3702

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Is the program provided by the Board for the 2015-2016 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;
3. Does the program at Meliora Academy in Meriden, CT, including an extended school year program (ESY), provide the Student with FAPE in the LRE?
4. Did the Board violate Section 504 and Title II of the ADA by not providing the Student with a meaningful education?
5. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Education 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 requested that the Student be placed at Meliora Academy in Meriden, CT for the 2015-2016 school year. The Board denied the Parents' request and the Parents filed for due process. On November 20, 2015, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on November 20, 2016 and a pre-hearing conference was held on December 1, 2015. The parties agreed to forego a resolution meeting and mediate the matter on February 18, 2016. In an electronic transmission, the Parents attorney informed the hearing officer that the Parents were withdrawing the matter without prejudice and were going to attend a PPT to resolve the matter. The date for mailing the Final Decision and Order was extended to March 4, 2016 to accommodate the mediation date.

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