

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Milford Board of Education

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

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Program provided by the Board for the 2010-2011 and 2011-2012 school years was inappropriate and if so, was the Student denied a Free Appropriate Public Education (FAPE) as a result?
2. Whether the Board violated procedural safeguards by failing to:
 - a. conduct an assistive technology evaluation;
 - b. conduct a comprehensive technology evaluation;
 - c. convene a PPT meeting to address Student's behavior;
 - d. conduct a functional behavioral assessment in a timely manner;
 - e. develop a behavioral intervention plan; and/or
 - f. properly implement Student's IEP?
3. If the Board committed any of the above procedural violations, did such violations result in a denial of FAPE to Student?
4. Whether Student is entitled to compensatory services as a result of being denied FAPE?
5. Whether the Board erred when it refused Parent's request for an out of district placement?

SUMMARY:

On May 24, 2012, the Milford Board of Education received a Request for a Special Education Due Process Hearing and the undersigned hearing officer was appointed. The original deadline for the mailing of the final decision and order was August 7, 2012. On June 5, 2012, a prehearing conference was held and hearing dates were set. On June 25, 2012, Student's attorney requested a thirty day extension of the mailing deadline for the final decision and order to permit the parties time to engage in mediation, which was granted. The new deadline for the mailing of the final decision and order was September 6, 2012. The parties engaged in mediation on August 13, 2012. On August 14, 2012, Counsel for the Student withdrew the hearing request without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed without prejudice.