

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Parent: Jennifer D. Laviano, Esq.  
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Appearing on behalf of the Board: Attorney Michael P. McKeon  
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90 State House Square  
Hartford, CT 06103-3702

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board violate child find by not identifying the Student as requiring special education and related services as defined in the Individuals with Disabilities Educational Improvement Act (IDEA)?
2. Should the Parents be reimbursed for cost incurred from the unilateral placement of the Student from January 7, 2013 to the end of the 2012-2013 school year for the denial of a free and appropriate public education (FAPE)?
3. Is the program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the least restrictive environment (LRE)? If not;
4. Is the program offered at The Kildonan School in Amenia, N.Y. for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE?
5. Should the Parents be reimbursed for the cost of the evaluation performed by Mr. Kaufmann?
6. Should the Parents be reimbursed for the cost of the tutoring of the Student in mathematics, English and Orton-Gillingham?
7. Is the Student entitled to compensatory education for the Board's denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has not been identified as being 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 requested that the Student be identified as requiring special education and related services. The Board refused the Parents' request.

On July 8, 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 July 10, 2013 and a prehearing conference was held on July 17, 2013. A hearing date of September 23, 2013 was chosen by the parties. At the hearing the parties informed the hearing officer that the matter had been resolved but not ratified and requested a withdrawal without prejudice.

In an electronic transmission, the Parents' attorney advised the hearing officer that the parties had ratified the agreement and the matter was now being withdrawn with prejudice. The withdrawal was granted. The date for the mailing of the Final Decision and Order was extended to accommodate the mediation and the hearing date. The date for the mailing of the Final Decision and Order is October 25, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITH PREJUDICE.**