

March 4, 2013

Final Decision and Order 13-0222

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Shelton 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 Craig Meuser
Chinni & Meuser
One Darling Drive
Avon, CT 06001

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board denied the Student a free appropriate public education [FAPE] for the 2010-11, 2011-12 and 2012-13 school years, including related services and ESY, because the programs and services were not intensive, individualized or sufficient to allow him to make meaningful educational progress academically, socially and functionally;
2. Whether the Student shall be placed at BenHaven immediately as requested by the Parents;
3. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was received by the Board on November 19, 2012 and a prehearing conference convened on November 30, 2012. The parties agreed to submit the case for mediation, and requested an extension of the mailing date of the decision to allow for the scheduling of the mediation.

The hearing convened on February 13, 2013 although the schools were closed due to the cleanup necessitated by a massive snowstorm. Due to the scheduling complications caused by the snowstorm issues and due to other scheduling complications, both counsel requested that they proceed with a mediation on the hearing date, rather than with testimony. That request was granted on the record at the hearing, prior to proceeding with testimony in the case.

The mailing date of the decision was extended and the matter was scheduled to continue on March 15, 2013. On March 4, 2013 a request was received from the Parents' attorney that the Parents withdraw their request for hearing, without prejudice, as the parties were in the process of scheduling a PPT to review recent triennial testing. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.