

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Trumbull Board of Education

Appearing on behalf of the Parent: Attorney Elizabeth Moyse
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: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Trumbull Board of Education ("Board") fail to provide the Student a free and appropriate public education ("FAPE") for the school year 2013-2014?
2. Did the Board fail to provide FAPE in the extended school year ("ESY") for the summer of 2013?
3. If the answer to Issue No. 1 is "Yes", is Easton Country Day School an appropriate placement for the Student?
4. If the answer to Issue No. 3 is "Yes", are the Parents entitled to reimbursement for the unilateral placement of the Student at Easton Country Day School?
5. Are the Parents entitled to reimbursement for the 8-week Lindamood-Bell program given to the Student during the ESY summer 2013?
6. Are the Parents entitled to reimbursement for the costs of the 160 additional hours of instruction in Lindamood-Bell provided to the Student during the 2013-2014 school years?
7. Are the Parents entitled to reimbursement for the Literacy How record review done during this same time period?
8. Are the Parents entitled to reimbursement for additional services given to the Student and paid for by the Parents (i.e.: behavioral supports, physical therapy)?

PROCEDURAL HISTORY:

This matter was originally filed on October 10, 2013. A prehearing conference was held on October 28, 2013. The initial due process hearing was set for December 18, 2013. On October 28, the Parties requested an extension of the resolution period for settlement purposes. That request was granted. On November 21, 2013 the Parents requested a postponement of the due process hearing and an extension of the final decision and order date. The Parents requested that the scheduled hearing date of December 18, 2013 be utilized for mediation. The Parties were

instructed to provide an alternate date for the due process hearing in order for the hearing officer to grant the request. On November 26, 2013 the Parents requested that the December 18, 2013 hearing date be postponed until the end of January, 2014 as the Parents were not going to be available. The request to utilize the December 18, 2013 date for mediation was granted provided that the due process hearing would be held prior to January 17, 2014 (a date which would be 30 days from the December 18, 2013 hearing date).

On December 18, 2013 the Parents filed an Amended Complaint, which was dated December 21, 2013. The Board filed an objection to the Amended Complaint on December 19, 2013 (stating that they were not in agreement with amending the complaint) and a second objection to the Amended Complaint on December 24, 2013 (stating that there were no substantive changes between the original and the amended complaints, and for that reason should not be allowed). The Amended Complaint was allowed and the subsequent timelines were adjusted to reflect the filing date of the Amended Complaint. A new due process hearing date was set for February 10, 2014, with a final decision and order date set for March 6, 2014.

On February 3, 2014, Counsel for the Parents withdrew their complaint, without prejudice, stating that the Parties had reached agreement and were formalizing the agreement. Counsel for the Parents asked that the scheduled hearing date be cancelled.

FINAL DECISION AND ORDER:

The Parents withdrew their complaint without prejudice, via Counsel, on February 4, 2014. With no further issues to be decided, this 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print