

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Enfield Board of Education v. Student

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

Appearing on behalf of the Board: Attorney Christine Chinni  
Chinni & Meuser, LLC  
One Darling Drive  
Avon, CT 06001

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the Board's functional behavioral assessment (FBA) appropriate? If not;
2. Should the Board be responsible for the cost of an independent FBA of the Student?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is identified as entitled to receive a free and appropriate public education (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 were not in agreement with the FBA performed by the Board. The Parents requested an independent FBA. The Board denied the Parents request and requested a due process hearing. An impartial hearing officer was appointed on June 3, 2016 and a pre-hearing conference was held on June 20, 2016. A mediation date of July 21, 2016 was chosen by the parties.

In an electronic transmission the Parents informed the hearing officer that the matter was resolved in mediation. The Board, also in an electronic transmission, informed the hearing officer that the matter was resolved.

The date for the mailing of the Final Decision and Order is August 17, 2016.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED.**

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