

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parent: Jennifer D. Laviano, Esq.,
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

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. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE?
4. Is the program offered by the Board for the 2012-2013 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
5. Should the Student be placed at Devereaux Glenholme for the 2012-2013 school year?
6. Should the Parent be reimbursed for cost incurred by the denial of FAPE?
7. Is the Student entitled to compensatory education for the Board's denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance and is entitled to receive FAPE as defined in 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 Parent rejected the program offered by the Board for the 2012-2013 school year. The Parent requested placement at Devereaux Glenholme for the 2012-2013 school year. The Board refused the Parent's request.

On December 6, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on February 22, 2013.

An impartial hearing officer was appointed on December 7, 2012 and a pre-hearing conference was held on December 14, 2012. A hearing date of February 4, 2013 was chosen by the parties. The parties requested cancellation of the hearing date as the mediation session date provided was after the hearing date.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve some of the issues in mediation and the remaining issue required additional time to resolve. The Parent's attorney requested that the matter be withdrawn without prejudice. There was no objection by the Board. The withdrawal was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is March 21, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.