

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Redding Board of Education  
and Regional School District No. 9 Board  
of Education

Appearing on behalf of the Student:

Attorney Jennifer Laviano  
The Law Offices of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, Connecticut 06784

Appearing on behalf of the Boards of Education:

Attorney Marsha Moses  
Berchem, Moses & Devlin, PC  
75 Broad Street  
Milford, Connecticut 06460

Appearing before:

Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Redding Board of Education offer the Student a free appropriate public education for the 2011-2012 School Year through the 2013-2014 School Year?
2. Did the Region 9 Board of Education offer the Student a free appropriate public education for the 2014-2015 and 2015-2016 School Years?
3. If either the Redding or Region 9 Board of Educations did not offer the Student a free appropriate public education during the relevant time, is the Student entitled to:
  - (a) placement at Maplebrook School, with transportation (as to Region 9 Board of Education only);
  - (b) reimbursement for the expense of Maplebrook School (provided that reimbursement for the expense of the residential portion of the program involves the issue whether the Student requires a residential program);
  - (c) reimbursement for occupational therapy services;
  - (d) reimbursement for the observation of Dr. Borkowski Batey;
  - (e) reimbursement for the evaluation of Dr. Cherkes-Julkowski;
  - (f) reimbursement for the evaluation of the Josephine Chen Center; and/or
  - (g) compensatory education services?
4. Did the Redding Board of Education and/or the Region 9 Board of Education deny the Student's rights under Section 504 of the Rehabilitation Act?
  - (a) If so, is the Student entitled to an appropriate remedy?
5. Did the Redding Board of Education and/or the Region 9 Board of Education deny the Student's rights under the Americans with Disabilities Act?
  - (a) If so, is the Student entitled to an appropriate remedy?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in this case against the Redding Board of Education and the Regional School District No. 9 Board of Education on November 4, 2015. The Impartial Hearing Officer was appointed to hear the case on November 5, 2015. A Prehearing Conference was conducted on November 18, 2015. Attorney Jennifer Laviano appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of both respondent boards of education.

On December 8, 2015, the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to January 15, 2016. The Boards of Education did not object to the request, and it was granted.

The timelines to conduct the hearing and to file the final decision were again extended pursuant to unopposed requests of January 12, 2016, February 6, 2016, February 26, 2016, March 7, 2016 and May 2, 2016. Most currently, the date for mailing the final decision is June 3, 2016.

On June 1, 2016, the Student requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the Student's request for dismissal is granted and this matter is dismissed with 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

ANN F BIRD

Hearing Officer

Name in Print