

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student

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

Appearing on Behalf of the Board: Attorney Craig Meuser
Chinni & Meuser, LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should the Board be entitled to contact the Student’s medical providers in order to provide the Student with a free and appropriate public education (“FAPE”) as required in IDEA, 20 U.S.C. §§1401 et seq.?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 4 year old boy who has been previously identified as entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents would not allow the Board to contact the Student’s medical providers in order to obtain information for the PPT. The Board filed for due process.

On or about April 23, 2009 the Parents received notice of the Board’s request for due process. An impartial hearing officer was appointed on April 29, 2009 and a pre-hearing conference was held on May 19, 2009. A hearing date of August 25, 2009 was chosen by the parties.

In a letter, the Parent’s attorney requested that the August 25, 2009 hearing date be postponed as the parties wanted to go to mediation in order to resolve the matter. Mediation was held on September 11, 2009. In an electronic communication the Board informed the hearing officer that the matter was settled and the hearing was withdrawn with prejudice.

At the request of the parties, in order to accommodate the filing of a final decision and order after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for the Final Decision and Order is October 30, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.