

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

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 Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate Student's right to a Free Appropriate Public Education ("FAPE") under the Individuals with Disabilities Education Act ("IDEA") for that portion of the 2014-2015 school year beginning on February 22, 2015 and ending at the end of the school year?
2. Did the District violate Student's right to a FAPE under the IDEA for the 2015-2016 school year?
3. Was the Individualized Education Program ("IEP") proposed by the District for the Extended School Year ("ESY") in the summer of 2016 appropriate? If the IEP for the summer of 2016 was not appropriate, did Winston Prep, where Parents unilaterally placed Student, provide Student with an appropriate program and are Parents entitled to reimbursement for tuition and related expenses resulting from Student's enrollment?
4. Was the IEP proposed by the District for the 2016-2017 school year appropriate? If the program was not appropriate, does Winston Prep where the Student has been unilaterally placed by Parents, provide an appropriate program and are Parents entitled to reimbursement for tuition and related expenses resulting from Student's enrollment?
5. Did the District violate Student's right to a FAPE under Section 504 of the Rehabilitation Act for the period running from February 22, 2014 through the 2016-2017 school year?
6. Did the District violate Student's right to a FAPE under Title II of the Americans with Disabilities act for the period running from February 22, 2014 through the 2016-2017 school year?

PROCEDURAL HISTORY AND SUMMARY:

On February 22, 2017, the Board received a request for a special education due process hearing filed by Attorney for the Parents. The Connecticut State Department of Education appointed this Hearing Officer on February 28, 2017. A prehearing conference was held on March 21, 2017. The hearing date of May

May 26, 2017

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30, 2017 was set through subsequent email correspondence and the deadline for mailing the final decision and order was established as May 8, 2017. On May 2, 2017, the Board indicated the parties were reducing an agreement to writing and requested an extension of the deadline for mailing the final decision and order in order to accommodate that process and to accommodate the agreed upon hearing date schedule. After a consideration of all of the relevant factors this request was granted and resulted in a new deadline of June 7, 2017. On May 24, 2017, Attorney for the Parents withdrew the request for a special education hearing without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.