

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on behalf of the Parent:

Jennifer Laviano, Esq.
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Michael P. McKeon, Esq.
Pullman and Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is Student eligible for special education and related services under the IDEA?
- 2) If so, did the Board promptly identify Student as a Student with Disability eligible for special education and related services under the IDEA?
- 3) If the Student is eligible for special education and related services under the IDEA, did the Board offer FAPE?
- 4) If the answer issue #1 above is in the affirmative, and the answer(s) to either or both issue(s) #2 and/or #3 are in the negative, is New Haven Residential Treatment Program an appropriate placement?
- 5) If the answer to issue #4 is in the affirmative, should the Board be required to reimburse Parents for payments for and/or financially support the cost of tuition and education related expenses at New Haven Residential Treatment Program?
- 6) If the answer to issue # 4 is in the affirmative, does the Student require a residential placement?
- 7) If the answer to issue #6 above is in the affirmative, should the Board be required to reimburse parents and/or financially support the Student's residential placement at New Haven Treatment Program?
- 8) Do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:

The Parent filed the Due Process Complaint and Request for Hearing on March 21, 2018. The Hearing Officer was appointed the same day and conducted a Prehearing Conference on April 2, 2018. The Hearing Officer granted the Parent's request to amend the Hearing Request on May 7, 2018 and, on May 19, 2018, for good cause show, extended the date for

July 19, 2018

Final Decision and Order 18-0366

which the Parent could file the Amended Complaint. The timelines were extended due to the amendment. On July 11, 2018, the Parent's attorney reported to the Hearing Officer that the parties had settled their dispute and that the Parent was withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with prejudice.