

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Madison Board of Education

Appearing on behalf of the Parent: Attorney Liz Moyse
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Melinda A. Powell, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Does the Hearing Officer have jurisdiction over the allegations of violation(s) of the ADA and/ or § 504 of the Rehabilitation Act?
2. Are any of the claims in the complaint barred by the two year limitations period, or is the limitations period extended?
3. If the limitations period is extended, to what date?
4. Was the Student denied any procedural rights as alleged in the complaint: for the alleged failure of the Board to convene annual PPT meetings to develop an IEP beginning in 2011, to properly advise the Parents regarding eligibility, draft an IEP for a 2010 PPT, invite EHS staff to a July 2017 PPT meeting, and/ or invite a general education teacher or reading specialist to a March 2017 PPT?
5. Whether any such procedural violations, if found, denied the student FAPE?
6. Whether the Student was denied FAPE in 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 school years, including ESY?
7. Whether the Parents are entitled to reimbursement for their placement of the Student at Eagle Hill School for any of the above years?
8. Whether the Parents are entitled to reimbursement for tutoring costs (for 2010-2011 and/ or summers 2012-2016)?

9. Whether the Parents are entitled to reimbursement for costs for evaluations completed by Dr. Fulco, Dr. Carr and/ or Ms. Rogers?
10. Whether the Parents are entitled to reimbursement for transportation expenses?
11. Should the Hearing Officer order compensatory education or other equitable remedy, if violation(s) are found?

PROCEDURAL HISTORY/SUMMARY:

The Parent, *through counsel*, filed the Due Process Complaint and Request for Hearing on September 29, 2017. The Hearing Officer was appointed on October 4, 2017, and conducted a Prehearing Conference on October 20, 2017. The mailing date was extended to January 23, 2018 to accommodate the execution of a settlement agreement. On January 12, 2018, via email to the Hearing Officer, counsel for the Parent withdrew the due process request with prejudice.

FINAL DECISION AND ORDER:

In light of the above, the matter is **DISMISSED**.