

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. New Milford Board of Education

Appearing on Behalf of the Parent: Attorney Jennifer D. Laviano  
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Ridgefield, CT 06877

Appearing on Behalf of the Board: Attorney Michael P. McKeon  
Sullivan, Schoen, Campana & Connon  
646 Prospect Avenue  
Hartford, CT 06105-4286

Appearing Before: Attorney Gail K. Mangs, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board properly identify and evaluate the Student?
2. Did the Board develop an appropriate IEP for the Student with parental input?
3. Did the Board provide Student with FAPE in the least restrictive environment for the school years 2001-2002, 2002-2003 and 2003-2004?
4. Did the Student require an extended school year program in 2003?
5. Did the Board violate Parents' procedural safeguards under the IDEA including but not limited to holding a timely PPT meeting to review evaluation results and convening a timely PPT meeting to develop an IEP before the first day of school for the 2003-2004 school year?
6. If the Board's program and placement were not appropriate, is placement at the Fraser-Woods School in Newtown, Connecticut appropriate?
7. Is the Board responsible for reimbursing Parents for their unilateral placement of the Student at Fraser-Woods?
8. Is the Board responsible for reimbursing parents for privately obtained evaluations, extended school year programming for 2003 and related services?

**SUMMARY/PROCEDURAL HISTORY:**

The Student's date of birth is January 5, 1997. The hearing was originally requested on November 12, 2003 at which time a hearing officer was appointed. A prehearing conference was convened; hearing dates were scheduled for December 9, 2003 and January 12, 16, 20 and 22 and February 11, 2004. The January hearing dates were cancelled when the parties requested an advisory opinion. On January 20, 2004, the

undersigned hearing officer was appointed as hearing officer for the advisory opinion and the advisory opinion was scheduled for February 5, 2004. On February 4, 2004, the parties notified the hearing officer that the Superintendent was unable to attend the advisory opinion due to an unavoidable, last minute conflict. The parties requested, and the undersigned hearing officer agreed, that the advisory opinion would go forward on February 11, 2004, the first hearing date, with the original hearing officer serving as the advisory opinion hearing officer and the undersigned hearing officer becoming the hearing officer if a hearing should become necessary. The parties engaged in both the advisory opinion process and later, mediation. Neither process resulted in an agreement and a prehearing conference was convened with the undersigned hearing officer on March 4, 2004 at which time hearing dates were scheduled for April 15, 16, 27 and 28, 2004. The April 15 and 16, 2004 hearing dates were postponed at Parent request and with the Board's concurrence due to ongoing settlement negotiations and the Parents' previously scheduled vacation. The hearing went forward on April 27, 2004 at which time the parties notified the Hearing Officer that an agreement had been reached; the parties read the agreement into the record. Due to the settlement of the matter, the hearing officer stated on the record that the hearing would be dismissed.

**FINAL DECISION AND ORDER:**

This hearing is dismissed.