

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Atty. Dana A. Jonson, The Law Offices of Jennifer D. Laviano, LLC, 76 Route 37 South, Sherman, CT 06784

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

1. Did the Board deny a free appropriate public education (FAPE) to the Student for the 2006-2007 school year, including the extended school year (“ESY”), in that it failed to offer a program with a high enough level of intensity or structure to remediate his disabilities?

2. Did the Board deny a FAPE to the Student for the 2007-2008 school year, including the ESY, in that it failed to offer a program with a high enough level of intensity or structure to remediate his disabilities?

3. Did the Board deny a FAPE to the Student for the 2007-2008 school year, including the ESY, in that it failed to properly identify his primary disability and evaluate him in all areas of suspected disability?

4. If the Student was not offered a FAPE, is the Board financially responsible for reimbursing the Parents for the unilateral placement of the Student at the Foundation School in September 2007?

5. Are the Parents entitled to compensatory education as a remedy for past deprivations of FAPE including procedural violations?

## PROCEDURAL HISTORY

The Parents' attorney requested this hearing on July 15, 2008, by faxing a letter to the State Department of Education ("SDE"). The Board of Education's attorney received a copy of the letter on that date. This Hearing Officer was assigned to the case on July 17, 2008. On August 12, 2008, a prehearing conference was held. The mailing date for the final decision was set at September 29, 2008. The Parties had agreed to mediation, which was scheduled on September 9, 2008. Hearing dates were agreed on for September 23, 2008 and October 1, 2008. On August 15, 2008, the Parents' attorney requested a 30-day extension of the September 29, 2008, mailing date for the final decision to October 29, 2008, which was granted. On September 10, 2008, the SDE advised the Hearing Officer that the Parties had reached an agreement at the mediation on September 9, 2008, and that the Parents' attorney would withdraw the hearing request. On September 11, 2008, the Parents' attorney advised the Hearing Officer that the Parties had fully executed the agreement and that the Parents wished to withdraw the hearing request with prejudice.

## FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed with prejudice.