

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on Behalf of the Parents: Jennifer D. Laviano, Esq.  
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76 Route 37 South  
Sherman, CT 06784

Appearing on Behalf of the Board: Marsha B. Moses, Esq.  
Berchem, Moses & Devlin, P.C.  
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program offered by the Board for the 2009-2010 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Did the Board fail to evaluate the Student in all areas of suspected disability?
5. Does the unilateral placement of the Student at the Speech Academy provide the Student with FAPE in the LRE?
6. Should the Board reimburse the Parents for their unilateral placement of the Student at the Speech Academy for the summer program of 2011?
7. Should the Board reimburse the Parents for their unilateral placement of the Student at the Speech Academy for the 2011-2012 school year?
8. Did the Board commit procedural violations during the 2009-2010 school year that denied the Student FAPE?
9. Did the Board commit procedural violations during the 2010-2011 school year that denied the Student FAPE?
10. Did the Board commit procedural violations during the 2011-2012 school year that denied the Student FAPE?
11. Should the Board reimburse the Parents for their independent speech and language evaluation?
12. Should the Board reimburse the Parents for their private speech and language services, occupational therapy and integrated music/art therapy?
13. Is the Student entitled to compensatory education for the denial of FAPE?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Autistic and is entitled to receive a free and appropriate public education (FAPE) as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parents rejected the program offered by the Board for the 2011-2012 school year. The Parents requested that the Student be placed at The Speech Academy. The Board refused the Parents' request.

On September 23, 2011, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on September 28, 2011 and a pre-hearing conference was held on October 14, 2011. A hearing date of December 9, 2011 was chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation and needed to formalize the agreement. The parties did not provide the hearing officer with a withdrawal of the matter. The matter proceeded to a due process hearing. The parties, at the hearing, withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is January 6, 2012.

**FINAL DECISION AND ORDER:**

**The matter is dismissed with prejudice.**