

April 29, 2013

Final Decision and Order 13-0305

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Stamford Board of Education

Appearing on behalf of the Parents:

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

Appearing on behalf of the Board:

Andeana Bellach, Esq.
Shipman & Goodwin, LLP
300 Atlantic Street
Greenwich, CT 06901

Appearing before:

Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the program offered by the Board, for the 2012-2013 school year, appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Is the unilateral placement of the Student at Boston Higashi School (BHS) appropriate and does it provide the Student with FAPE in the LRE?
3. Should the Board reimburse the Parents for the cost of their unilateral placement of the Student at BHS for the 2012-2013 school year?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2012-2013 school year. The Parents requested placement at Boston Higashi School for the 2012-2013 school year. The Board refused the Parents' request.

On February 13, 2013, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on April 5, 2013. An impartial hearing officer was appointed on February 13, 2013 and a pre-hearing conference was held on February 22, 2013. Hearing dates of April 23 and 24, 2013 were chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the issues. The Parents' attorney requested that the matter be withdrawn with prejudice. There was no objection by the Board. The date for mailing the Final Decision and Order is April 29, 2013.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITH PREJUDICE.