

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Milford Board of Education

**(REISSUED)**

Appearing on behalf of the Student: Attorney Jennifer Laviano  
76 Route 37 South  
Sherman, CT 06784

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

Appearing before: Attorney Mary Elizabeth Oppenheim  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board denied the Student FAPE for the 2010-11, 2011-12 and 2012-13 school years, including ESY and related services, because the programs and services were not intensive, individualized or sufficient to allow her to make meaningful educational progress academically, socially and in language;
2. Whether the Board violated the Student's procedural safeguards which resulted in a denied of FAPE;
3. Whether the Student shall be placed at the Learning Incentive program for the 2012-13 school year;
4. Whether the Parents shall be reimbursed for all costs of their placement of the Student for ESY 2012 and the 2012-13 placements at Learning Incentive;
5. Whether the Student is entitled to compensatory education.

**PROCEDURAL HISTORY/DISCUSSION:**

This hearing request was received by the Board on April 15, 2013 and a prehearing conference convened on April 24, 2013. The mailing date of the decision was extended so that the parties were provided sufficient time to attempt to settle the case through mediation.

On July 3, 2013, the Parents' attorney submitted notice that the parties participated in a mediation on this case, and while it did not result in a full agreement, the parties do have an interim plan that will necessitate obtaining some updated information. Accordingly, the Parents' attorney noted that with the agreement of the Board, the Parents are withdrawing their request for Due Process without prejudice. Therefore, this case is dismissed.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**, without prejudice.