

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Region 9 Board of Education

Appearing on behalf of the Student:

Attorney Elizabeth Moyse
The Law Offices of Jennifer Laviano LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year?
 - a. If the Board of Education did not offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year, is the Student entitled to compensatory education services?
2. Did the Board of Education offer the Student a free appropriate public education for the 2015/2016 School Year, including the 2015 Extended School Year?
 - a. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year, including the 2015 Extended School Year, is the Student entitled to compensatory education services?
3. Did the Board of Education offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year?
 - a. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, are the unilateral placements at True North and/or Northwest Academy appropriate?
 - b. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, is the Student entitled to reimbursement for the expense of the unilateral placements at True North and/or Northwest Academy?

- c. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, but True North and/or Northwest Academy are not appropriate, is the Student entitled to compensatory education services?
4. If the Board of Education did not offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year and/or the 2015/2016 School Year, including the 2015 Extended School Year and/or the 2016/2017 School Year, including the 2016 Extended School Year, is the Student entitled to reimbursement for the expense of the educational consultant, tutoring during the 2014 Extended School Year, summer school during the 2015 Extended School Year and/or the expense of an evaluation and treatment by Dr. Gelinis and/or an evaluation by Dr. Corelli?
5. Did the Board violate the Student's rights under Section 504 of the Rehabilitation Act during the 2013/2014 School Year including the 2013 Extended School Year, the 2014/2015 School Year including the 2014 Extended School Year, the 2015/2016 School Year including the 2015 Extended School Year and/or the 2016/2017 School Year including the 2016 Extended School Year?
 - a. If so, what remedy is appropriate?
6. Did the Board violate the Student's rights under the Americans With Disabilities Act during the 2013/2014 School Year including 2013 Extended School Year, the 2014/2015 School Year including 2014 Extended School Year, the 2015/2016 School Year including 2015 Extended School Year and/or the 2016/2017 School Year including 2016 Extended School Year?
 - a. If so, what remedy is appropriate?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on June 27, 2016. This Impartial Hearing Officer was appointed to hear the case on June 27, 2016. A telephonic pre-hearing conference was convened on July 25, 2016. Attorney Elizabeth Moyse appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. It was determined that the deadline for issuing the final decision and order is September 7, 2016. Evidentiary hearings were scheduled for September 15, 2016, September 21, 2016 and September 23, 2016.

On July 25, 2016 Counsel for the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to October 5, 2016. The purpose of the requested postponement and extension was to allow the parties an opportunity to participate in mediation. Counsel for the Board of Education agreed to the requested postponement and it was granted.

On August 30, 2016, the Student requested that the hearings be cancelled because the Student desired to file an amended request for due process. The Board of Education agreed and the

December 5, 2016

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hearings were cancelled. On September 26, 2016, the Student filed an amended complaint, resetting the deadline for issuing the final decision to December 9, 2016.

On October 6, 2016, a second prehearing conference was conducted. At that time, the parties discussed the revision of the issues for determination in this case and agreed upon December 5, 2016 for the hearing.

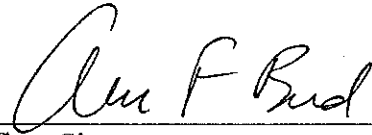
On December 5, 2016, the Student and the Board of Education appeared for the hearing in this matter. At that time, the Student requested that the matter be withdrawn or dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request is granted and the matter is dismissed with prejudice.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

ANN F BIRD

Hearing Officer Name in Print