

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Oxford Board of Education

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem & Moses, P.C.
75 Broad Street
Milford, CT 06784

Appearing before: Laura Share, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate child-find?
 - a. If the Board violated child-find, is compensatory education justified?
 - b. If the Board violated child-find, is placement at the Forman School in Litchfield, CT appropriate?
 - i. If placement at the Forman School in Litchfield, CT is appropriate, should the Board provide for the student's transportation?
 - ii. If placement at the Forman School in Litchfield, CT is appropriate, should the Board reimburse the parents for tuition at the Forman School for years 2017-2018 and 2018-2019?
 - c. If the Board violated child-find, is reimbursement of Dr. Oppenheim's evaluation appropriate?
 - d. If the Board violated child-find, is reimbursement of Dr. Grayson's evaluation appropriate?
 - e. If the Board violated child-find, is reimbursement of tutoring services appropriate?
 - f. If the Board violated child-find, is an order that the district conduct district-wide training on the rights of students with disabilities, particularly surrounding their privacy rights and protecting them from disability based harassment, appropriate?
2. Did the Board violate procedural and/or substantive FAPE from June 17, 2014, the date he was identified, to date?
 - a. If the Board violated FAPE, is compensatory education justified?

- b. If the Board violated FAPE, is placement at the Forman School in Litchfield, CT appropriate?
 - i. If placement at the Forman School in Litchfield, CT is appropriate, should the Board provide for the student's transportation?
 - ii. If placement at the Forman School in Litchfield, CT is appropriate, should the Board reimburse the parents for tuition at the Forman School for years 2017-2018 and 2018-2019?
- c. If the Board violated FAPE, is reimbursement of Dr. Oppenheim's evaluation appropriate?
- d. If the Board violated FAPE, is reimbursement of Dr. Grayson's evaluation appropriate?
- e. If the Board violated FAPE, is reimbursement of tutoring services appropriate?
- f. If the Board violated FAPE, is an order that the district conduct district-wide training on the rights of students with disabilities, particularly surrounding their privacy rights and protecting them from disability based harassment, appropriate?

PROCEDURAL HISTORY/SUMMARY:

The Student initiated this special education due process case on 8/13/18. This Impartial Hearing Officer was assigned to this case on 8/14/18. A Prehearing Conference was convened on 8/31/18. Attorney Laviano appeared on behalf of the Student and Attorney Laubin appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was 10/26/18. An evidentiary hearing was scheduled for 10/24/18.

On 10/16/18, Attorney Laubin requested a postponement of the first day of hearing scheduled for 10/24/18 due to a compelling medical reason. On 10/21/18, Attorney Laviano agreed to the requested postponement and requested an extension of the mailing date. On 10/21/18, the deadline for filing the final decision in this case was extended to 11/26/18.

On 11/21/18, Attorney Laviano requested a postponement of the first day of hearing scheduled for 11/26/18 and an extension of the deadline for filing the final decision in this case in order to finalize the settlement agreement. On 11/26/19, the deadline for filing the final decision in this case was extended to 12/26/18.

On 12/21/18, Attorney Laviano requested a postponement of the hearing scheduled for 12/26/18 and an extension of the deadline for filing the final decision in this case due to an unforeseen miscommunication pertaining to the settlement agreement and both parties' scheduling conflicts. On 1/6/19, the deadline for filing the final decision in this case was extended to 1/25/19.

January 29, 2019

Final Decision and Order 19-0087

On 1/18/19, Attorney Laviano requested a postponement of the hearing scheduled for 1/24/19 and another extension of the deadline for filing the final decision to finalize the settlement agreement. On 1/21/19, this Impartial Hearing Officer denied said requests.

ORDER:

The matter is **DISMISSED** without prejudice.