

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Ridgefield Board of Education

Appearing on behalf of the Parents: Atty. Jennifer D. Laviano, The Law Offices of Jennifer D. Laviano, LLC, 76 Route 37 South, Sherman, CT 06784

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board deny a free appropriate public education (FAPE) to the Student at the Planning and Placement Team ("PPT") meeting on August 3, 2005 for the 2005-06 school, in that it failed to provide a program with a high enough level of intensity to remediate her disabilities, an environment that was not too distracting or over stimulating and appropriate related services?
2. Did the Board deny a free appropriate public education (FAPE) to the Student because it failed to provide an appropriate program for the extended school year ("ESY") in the summer of 2005?
3. If the Student was not offered a FAPE, is the Board financially responsible for the Student's placement at the Villa Maria School for the current school year and ESY, including related services?
4. Is the Board responsible for reimbursing the Parents for all expenses they incurred for the 2005-06 school year, the ESY programs and related services?
5. Are the Parents entitled to compensatory education as a remedy for past deprivations of FAPE and procedural violations?

PROCEDURAL HISTORY:

The Parents' attorney requested this hearing on April 28, 2008 by faxing a letter to the State Department of Education ("SDE"). The Board of Education's attorney received a copy of the letter on that date. This Hearing Officer was assigned to the case on April 30. On May 16, a prehearing conference was held. The mailing date for the final decision was set at July 14, 2008. The parties agreed to mediation. Hearing dates were agreed on for July 15 and 17. The Board's attorney stated that she intended to file a Motion to Dismiss claims for any time period prior to April 28, 2006. The Parents' attorney stated that she intended to amend the due process request to include the 2006-07 and 2007-08 school years. On May 16, the Parents' attorney requested an extension of the mailing date for the final decision until August 11, 2008, which was granted with the Board attorney's consent. A schedule was agreed on for June 16 for the Motion to Dismiss and Parents' Amended Complaint, June 23 for the objections to these motions and June 30 for the Hearing Officer's decision on the motions. On June 12, the Parents' attorney requested a postponement of the briefing schedule until after the mediation on June 24. The request was granted. On June 25, the SDE advised the Hearing Officer that the parties had reached an agreement in principle and that upon the signing of the agreement, the Parents' would withdraw the hearing request. The Parents' attorney did not contact the Hearing Officer. On July 10, the Hearing Officer notified the parties that the hearings were canceled and that a dismissal decision would be issued.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed.