

**STATE OF CONNECTICUT  
DEPARTMENT 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 Michael McKeon  
Pullman & Comley, LLC  
98 State House Square  
Hartford, CT 06103

Appearing before: Robert L. Skelley, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the New Britain Board of Education ("Board") fail to provide the Student with a free and appropriate public education ("FAPE") for the 2012-2013 school years?
2. Did the Board fail to properly and comprehensively evaluate the Student in all suspected areas of disability?
3. Did the Board fail to complete the independent educational evaluation ("IEE") that was ordered, in a timely manner?
4. Did the Board fail to properly review the IEE, and thus deny the Student a FAPE?
5. Did the Board deny the Student a FAPE by providing an improper extended school year ("ESY") 2013 summer program?
6. Does the individualized education program ("IEP") for the 2013-2014 school years deny the Student a FAPE?

**PROCEDURAL HISTORY:**

The Parents filed this complaint on September 12, 2013. A prehearing conference call was held on October 21, 2013, where the issues listed above were identified for hearing. The Parties agreed to participate in mediation, with a mediation session held on November 1, 2013. Due to pre-existing commitments, the Parties requested an extension of the final decision and order date, originally set for November 26, 2013, to allow for the mediation process to occur before a due process hearing was held. That request was granted. The initial due process hearing date was set for December 19, 2013. The Parties reached agreement through the mediation process and on December 18, 2013, counsel for the Parents withdrew the complaint without prejudice.

**FINAL DECISION AND ORDER:**

The matter was withdrawn by the Parents, without prejudice, on December 18, 2013. With no further issues pending in this matter, it is DISMISSED, without 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

Robert L. Skelley, Esq.

Hearing Officer      Name in Print