

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Greenwich Board of Education

Appearing on behalf of Student:

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

Appearing on behalf of the Board of Education:

Attorney Abby Wadler
Assistant Town Attorney
Greenwich Town Hall – Law Department
101 Field Point Road
Greenwich, CT 06830

Appearing before:

Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated November 26, 2018.² The Board of Education ("BOE") received it on November 26, 2018. The 30-day resolution period ended December 26, 2018 and the original deadline to mail the final decision and order was February 9. A telephonic pre-hearing conference was held on December 11, 2018. Attorney Laviano appeared on behalf of Student and Attorney Wadler appeared on behalf of BOE.

The following issues were identified:

1. Did the Board of Education provide Student a free appropriate public education for the 2016-17 school year?
2. Did the Board of Education provide Student a free appropriate public education for the 2017 extended school year?
3. Did the Board of Education provide Student a free appropriate public education for the 2017-18 school year?

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2019 unless otherwise indicated.

4. Did the Board of Education provide Student a free appropriate public education for the 2018 extended school year?
5. Did the Board of Education offer Student a free appropriate public education for the 2018-19 school year?
6. If the answer to any of the Issues One through Five above is in the negative, was Student's unilateral placement at Eagle Hill appropriate?
7. If the answer to Issue Six above is in the affirmative, are Student's Parents entitled to reimbursement for the unilateral placement at Eagle Hill?
8. If the answer to any of the Issues One through Five above is in the negative, what shall be the remedy?

The parties previously participated in mediation and agreed to participate in an additional mediation. Via email dated January 6, Student's Attorney requested an extension of the deadline to mail the final decision and order to permit the parties to participate in the mediation. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended 30 days until March 11.

The parties were scheduled to participate in mediation on March 1 and were not able to find mutually available hearing dates within the deadline to mail the final decision and order. Via email dated January 21, Student's Attorney requested to withdraw the matter without prejudice to allow the parties to complete mediation without having to prepare for or proceed to hearing first.

FINAL DECISION AND ORDER

The above-captioned case is dismissed without prejudice.