

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Regional School District No. 12

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 Ann Littlefield  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919

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 May 13, 2014.<sup>1</sup> It was received by the Board of Education ("BOE") on May 13. The 30-day resolution period ended June 12 and the deadline to mail the final decision and order is July 27. A telephonic pre-hearing conference was held on June 4. Attorney Laviano appeared on behalf of Student and Attorney Littlefield appeared on behalf of BOE.

The following issues were identified:

1. Did the Board of Education provide Student with a free appropriate public education from May 13, 2012 to the end of the 2011-12 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2012 extended school year?
3. Did the Board of Education provide Student with a free appropriate public education during the 2012-13 school year?
4. Did the Board of Education provide Student with a free appropriate public education during the 2013 extended school year?
5. Did the Board of Education fail to evaluate Student since May 13, 2012?
6. Did the Board of Education violate Student's procedural safeguards since May 13, 2012?
7. Should the Board of Education be required to reimburse Student's Parents for the cost of residential placement from June 2012 to August 2013?

The parties agreed to participate in mediation. At the time of the pre-hearing conference, the parties had offered three mediation dates in July with the latest date being July 28. The parties agreed to notify the Hearing Officer of their scheduled mediation date so that hearing dates could be offered after that date. They also indicated an intention to file a request for an

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<sup>1</sup> All dates are 2014 unless otherwise indicated.

extension of the mailing date. The parties did not notify the Hearing Officer of any scheduled mediation date and did not file a request for extension of the mailing date.

The Hearing Officer gave the parties until July 2 to either file a request for an extension or select hearing dates from certain enumerated dates. The parties failed to respond with hearing dates or a request for an extension by the deadline. The Hearing Officer requested that Student's Attorney indicate any reason why the matter should not be dismissed for failure to prosecute in light of the above.

Student's Attorney responded by indicating that the parties were scheduled for mediation on July 21 and that, given the scheduling difficulties of all parties, Student's Parents withdraw their request for Due Process without prejudice. She further indicated that Student's Parents will refile a request for Due Process if mediation is unsuccessful.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case 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

JANIS C. JERMAN

Hearing Officer

Name in Print