

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Enfield Board of Education and Student

Appearing on behalf of the Board of Education: Attorney Craig Meuser  
Chinni & Meuser, LLC  
One Darling Drive  
Avon, CT 06001

Appearing on behalf of the Student: Attorney Jennifer Laviano  
Law Offices of Jennifer Laviano  
76 Route 37 South  
Sherman, Ct 06784

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Board of Education's transitional evaluation appropriate?
2. If not, is the Student entitled to an independent transitional evaluation at public expense?

**PROCEDURAL HISTORY:**

The Board of Education requested a special education due process hearing in the above-captioned matter on June 29, 2015 to demonstrate that its evaluation of the Student is appropriate. The Impartial Hearing Officer was appointed to hear the case on June 30, 2015. A telephonic pre-hearing conference was held on July 20, 2015. Attorney Craig Meuser appeared on behalf of the Board of Education and Attorney Michael Gilberg of the Law Offices of Jennifer Laviano appeared on behalf of the Student.

At that time, the deadline for filing the final decision in this case was established to be August 13, 2015. Evidentiary hearings were scheduled for September 10, 2015 and September 11, 2015. On July 22, 2015, the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to September 11, 2015. The purpose of the requested postponement and extension was to allow time for the parties to participate in mediation – which was ultimately scheduled for September 10, 2015 – and to accommodate the hearing dates and thereby allow for the parties to enjoy due process. The Board of Education consented to the requested postponement. The deadline was extended to September 11, 2015.

On September 9, 2015 the Board of Education requested a second thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to October 9, 2015 for the purpose of allowing the parties to enjoy due process. The Student did not object to the request and it was granted.

On October 9, 2015, the Board of Education requested a third ten-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to October 19, 2015 in order to allow the parties time to finalize their settlement agreement. Again, the Student did not object to the request and it was granted.

On October 16, 2015, the Board of Education requested an additional ten-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to October 29, 2015 in order to allow the parties time to finalize a settlement agreement. The Student did not object to the request and it was granted.

On October 26, 2015 the Board of Education reported that the parties had finalized their settlement agreement and requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the request of the Enfield Board of Education for dismissal is granted and this matter is dismissed.

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).

*Ann F Bird*

Hearing Officer Signature

ANN F BIRD

Hearing Officer

Name in Print