

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Region 17 Board of Education

Appearing on behalf of Student: Attorney Andrew Feinstein
Feinstein Education Law Group LLC
86 Denison Avenue
Mystic, CT 06355

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

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 July 15, 2016.² It was received by the Board of Education ("BOE") on July 15. The 30-day resolution period ended August 14 and the original deadline to mail the final decision and order was September 28. A telephonic pre-hearing conference was held on August 5. Attorney Feinstein appeared on behalf of Student and Attorney Moses appeared on behalf of BOE. The following issues were identified:

ISSUES:

1. Did the Board of Education fail to properly identify Student as eligible for special education?
2. Did the Board of Education fail to provide Student with a free appropriate public education from November 18, 2014 to the end of the 2014-15 school year?
3. Did the Board of Education fail to provide Student with a free appropriate public education for the 2015-16 school year?
4. If the answer to Issues 1, 2, or 3 are in the positive, what shall be the remedy?
5. Should the Board of Education be required to provide Student with homebound instruction?

Via email dated August 5, Student's Attorney requested an extension of the mailing date to allow the parties to schedule mediation on September 28. After fully considering the parties' positions, the request for an extension of the mailing date was granted. The deadline to mail the final decision and order was extended until October 28. The parties were unable to identify hearing dates on which all parties and the Hearing Officer were available after their scheduled September 28 mediation and prior to the deadline to mail the final decision. Via email dated September 29, Student's Attorney requested

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" and "Student's Mother" in place of names and other personally identifiable information.

² All dates are 2016 unless otherwise indicated.

a 45-day extension of the deadline to mail the final decision. After fully considering the parties' positions, a 28-day extension was granted.³ The deadline to mail the final decision and order was extended until November 25. On October 28, Student's Attorney withdrew the request for due process without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the above-captioned case is dismissed without prejudice.

³ Student's Attorney requested a 45-day extension. Connecticut State Regulations Section 10-76h-9 permits the Hearing Officer to grant an extension of up to 30 calendar days.

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