

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student and Greenwich Board of Education

Appearing on behalf of the Student: Attorney Jennifer D. Laviano  
Law Office of Jennifer Laviano LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board of Education: Attorney Andreana R. Bellach  
Shipman & Goodwin LLC  
300 Atlantic Street, 3<sup>rd</sup> Floor  
Stamford, CT 06901

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Greenwich Board of Education offer the Student a Free Appropriate Public Education for the 2015-2016, 2016-2017 and 2017-2018 School Years, including ESY 2015, ESY 2016 and ESY 2017?
  - a) If not, is The Windward School appropriate for the Student?
  - b) If it is, should the Student be reimbursed for the expense of the Windward School, including transportation costs and/or placed at the Windward School?
2. If the Board of Education did not offer the Student a Free Appropriate Education during the time in question, should the Student be provided with compensatory education services of one to one intensive reading, writing and mathematics instruction and/or for educational services the Student was entitled to receive but did not receive?
3. If the Board of Education did not offer the Student a Free Appropriate Education during the time in question, should the Student be reimbursed for Lindamood-Bell services?

**PROCEDURAL HISTORY:**

The Student initiated this special education due process case on June 15, 2017. This Impartial Hearing Officer was assigned to the case on June 20, 2017. A Prehearing Conference was convened on July 18, 2017. Attorney Jennifer Laviano appeared on behalf of the Student and Attorney Andreana Bellach appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was August 29, 2017. An evidentiary hearing was scheduled for October 2, 2017.

On July 18, 2017 the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to September 28, 2017. The

purpose of the requested postponement and extension was to allow the parties time for mediation and to accommodate the hearing schedule. The Board agreed to the requested postponement and it was granted.

On September 21, 2017, the Student reported that the parties had agreed to mediate and had a mediation scheduled for October 16, 2017. They jointly requested that the hearing be postponed and the deadline for conducting the hearing and filing the final decision be extended for the purpose of accommodating such a mediation. The request was granted and the deadline for filing the final decision was extended to October 27, 2017.

On October 22, 2017 the Student reported that the mediation had taken place and that, although the matter was not resolved, the parties continued in settlement discussions. The Student requested that the deadline for filing the final decision be extended for an additional thirty days to accommodate the hearing date, which was rescheduled to December 6, 2016. The Board agreed to the Student's requests and they were granted.

On November 20, 2017, the Hearing Officer reminded the parties of the deadline for filing the final decision approaching on November 24, 2017. The parties were notified that if the parties did not request either a dismissal or an extension of the deadline for filing the final decision by the end of the day on November 21, 2017 the matter would be dismissed for failure to prosecute.

The parties did not respond to the Hearing Officer's reminder of November 20, 2017 or request that the matter be dismissed or request an extension of the deadline for issuing the final decision by the end of the day. Accordingly, the matter has not been prosecuted and must be dismissed for that reason.

**FINAL DECISION AND ORDER:**

It is ordered that this matter is dismissed for failure to prosecute.