

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Trumbull 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 Christine Sullivan
Berchem, Moses & Devlin
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2015-2016, 2016-2017 and/or 2017-2018 School Years?
2. If not, is the Easton Country Day School appropriate for the Student?
3. If the Board of Education did not offer a free appropriate public education and the Easton Country Day School is appropriate, should the Student be placed at the Easton Country Day School and/or reimbursed for the expense of the Easton Country Day School?
4. If the Board of Education did not offer a free appropriate public education but the Easton Country Day School is not appropriate, should the Student receive compensatory education services?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on November 20, 2017. This Impartial Hearing Officer was assigned to the case on November 21, 2017. A Prehearing Conference was convened on December 7, 2017. No one appeared on behalf of the Student and Attorney Christine Sullivan appeared on behalf of the Board of Education. It was established that the initial deadline for filing the final decision in this case was February 2, 2018. An evidentiary hearing was scheduled for February 13, 2018.

On February 1, 2018 the Board of Education requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 2, 2018. The purpose of the requested postponement and extension was to allow the parties an

opportunity for mediation. The Student agreed to the requested postponement and it was granted. The hearing scheduled for February 13, 2018 was also cancelled at the parties' request. A new hearing date of April 12, 2018 was scheduled.

On February 27, 2018, the Student requested permission to amend the request for due process to identify Easton Country Day School as the Student's unilateral placement as of approximately March 5, 2018. At the same time, the Student requested another postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 30, 2018. The purpose of the requested postponement and extension was to accommodate the hearing schedule. The Board did not take a position regarding the requested postponement and it was granted.

On March 1, 2018, the Board of Education submitted an Objection to the Student's request to amend the request for due process.

On March 10, 2018, the Student's requested amendment was allowed and the deadline for completing the hearing and issuing the final decision was reset to May 24, 2018. The hearing remained scheduled for April 12, 2018.

On April 4, 2018, the Board of Education reported that the parties had settled the matter during a resolution session on the amended request for due process. The Board of Education requested that the hearing of April 12, 2018 be cancelled as a result. The hearing was cancelled.

On May 20, 2018, the Hearing Officer reminded the parties that the deadline for issuing the final decision was approaching and advised that the matter would be dismissed for failure to prosecute if she did not receive a requests for withdrawal by the end of the business day on May 21, 2018. No request for withdrawal was received.

FINAL DECISION AND ORDER:

It is ordered that the matter is dismissed for lack of prosecution.