

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Region 15 Board of Education

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 Julie Fay  
Attorney Susan Freedman  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103

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 February 18, 2013.<sup>1</sup> It was received by Board of Education's ("BOE's") Attorney on February 18. The 30-day resolution period ended March 20. The original deadline to mail the final decision and order was May 4.

A telephonic pre-hearing conference was held on March 13. Attorney Fay appeared on behalf of BOE and Attorney Laviano appeared on behalf of Student. The following issues were identified:

1. Did the Board of Education provide Student with a free appropriate public education from February 18, 2011 to the end of the 2010-11 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2011 extended school year?
3. Did the Board of Education provide Student with a free appropriate public education during the 2011-12 school year?
4. Did the Board of Education provide Student with a free appropriate public education during the 2012 extended school year?

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<sup>1</sup> All dates are 2013 unless otherwise indicated.

5. Did the Board of Education provide Student with a free appropriate public education during the 2012-13 school year?
6. If the answer to any of the above Issues One through Five is in the negative, what shall be the remedy?

Via e-mail dated March 13, Student's Attorney requested an extension of the deadline to mail the final decision and order on the basis that April 29 was the earliest mutually available mediation date for the parties. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until June 3, 2013.

The parties had difficulty finding mutually available hearing dates after the scheduled mediation.

On April 29, Student's Attorney indicated that the parties were scheduled for mediation on April 29 but the mediator was unable to attend. Student's Attorney further indicated that the parties were trying to reschedule mediation which was not likely to happen before late June given the parties' schedules. Student's Attorney further indicated that Student's Parent withdraw 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.