

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Stamford Board of Education

Appearing on behalf of the Student:

Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Student eligible for special education and related services?
2. If so, did the Board of Education offer the Student a free appropriate public education for the 2014-15 School Year and the 2015-16 School Year?
3. If the Board of Education did not offer the Student a free appropriate public education, was Eagle Hill appropriate?
4. If Eagle Hill was appropriate, is the Student entitled to reimbursement for the expense of Eagle Hill including transportation?
5. If the Student is eligible, is the Student entitled to compensatory educational services?
6. Is the Student entitled to reimbursement for the expense of the McCarton Center evaluations?

PROCEDURAL HISTORY:

The Student requested this special education due process hearing on August 24, 2015. This Impartial Hearing Officer was appointed to handle the case on August 25, 2016. A Pre-Hearing Conference was conducted on September 18, 2015. Attorney Jennifer Laviano appeared on behalf of the Student and Attorney Christopher Tracey appeared on behalf of the Board of Education. The deadline for issuing the final decision was established to be November 6, 2015, and an evidentiary hearing was scheduled for November 19, 2015.

On October 30, 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 December 4, 2015. The Board of Education consented to the requested postponement and it was granted.

On November 5, 2015, the Student reported that the parties had participated in mediation and agreed that a Planning and Placement Team ("PPT") meeting would be conducted to review an evaluation conducted by The McCarton Center. The parties further agreed to conduct that PPT meeting on the day scheduled for the evidentiary hearing in this case, November 19, 2015. Accordingly, the Student requested postponement of the November 19, 2015 hearing as well as a postponement and extension of the timelines to conduct the hearing and file the final decision. The hearing date of November 19, 2015 was cancelled and the timelines were extended.

On December 22, 2015, a second Prehearing Conference was conducted. The parties reported that the PPT was then scheduled to take place on January 13, 2016. On December 22, 2015, the Student requested an additional 30-day extension of the timelines to allow the parties an opportunity to participate in the planned PPT meeting and to thereby narrow and/or adjust the issues for the case or eliminate the need for a hearing. The Board consented to the request and it was granted, establishing the new deadline as January 29, 2016.

On January 15, 2016, the Student reported that the parties had participated in the PPT but had not resolved the conflict. The Student further reported that the Student would seek amendment of the request for due process to include additional matters of conflict between the parties. The Student therefore requested an additional 30-day extension of the timelines to conduct the hearing and issue the final decision to allow the Student an opportunity to seek amendment of the request for due process. The request was not opposed and it was granted.

On February 20, 2016, the Student requested yet another extension of time to complete the process of seeking to amend the request for due process to March 25, 2016. The Board did not object and the request was granted. On February 27, 2016, the Student filed a proposed Amended Complaint. On March 3, 2016, Attorney Marsha Moses appeared on behalf of the Stamford Board of Education in place of Attorney Christopher Tracey. On March 15, 2016, the Board of Education reported that it did not object to amendment of the complaint and the amendment was accepted and the deadline for filing the final decision was reset to May 12, 2016.

A third Prehearing Conference was conducted on April 7, 2016 to adjust the issues for the case and select a hearing date. A hearing date of June 23, 2016 was selected. On May 3, 2016, the Student requested another thirty-day postponement and extension of the deadline to conduct the hearing and issue the final decision to June 10, 2016. The purpose of the request was to accommodate the hearing schedule and afford the parties due process. The Board of Education did not object to the request and it was granted.

On June 6, 2016, the Student requested another thirty-day postponement and extension of the timelines to conduct the hearing and issue the final decision to Friday July 8, 2016. The purpose of the request was again to accommodate the hearing schedule and afford the parties due process. The Board of Education did not object to the request and it was granted.

On June 23, 2016, an evidentiary hearing was convened. Neither the Student nor the Board of Education appeared at the scheduled hearing. A telephonic conference was conducted. The parties reported that they were again attempting to schedule a mediation of the case. The Student requested, and the Board of Education consented to, further postponements and

extensions of the timelines to conduct the hearing and issue the final decision to September 2, 2016. An evidentiary hearing was scheduled for August 10, 2016. Later, the August 10, 2016 hearing date was rescheduled to August 4, 2016.

On July 28, 2016, the parties jointly requested postponement of the August 4, 2016 hearing so that they could pursue settlement discussions. The request was granted and hearings were scheduled for August 25, 2016 and August 31, 2016. On August 22, 2016, the parties reported that they were finalizing a settlement agreement and requested that the hearing of August 25, 2016 be cancelled. The request was granted.

On August 31, 2016, an evidentiary hearing was again convened as scheduled. Neither the Student nor the Board of Education appeared for the hearing. Student submitted a written request that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this matter is dismissed with prejudice.

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

ANN F BIRD

Hearing Officer

Name in Print