

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport 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 Marsha Belman Moses  
Berchem Moses & Devlin  
75 Broad Street  
Milford, CT 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 December 9, 2013.<sup>1</sup> It was received by Board of Education's ("BOE's") Attorney on December 9, 2013. The 30-day resolution period ended January 8. The original deadline to mail the final decision and order was February 22.

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

1. Did the Board of Education fail to provide Student a free appropriate public education during the 2011-12 school year?
2. Did the Board of Education fail to provide Student a free appropriate public education during the 2012-13 school year?
3. Did the Board of Education fail to provide Student a free appropriate public education during the 2013-14 school year?
4. If the answer to any of the above Issues One through Three is in the affirmative, what shall be the remedy?

Via e-mail on February 15, Student's Attorney notified the Hearing Officer that mediation was scheduled for March 24 and requested an extension of the mailing date to allow the parties to mediate. In support of the request for extension, Student's Attorney represented that Student is unilaterally place and doing well and that there is no harm posed to him by an extension. She also indicated that Student's Parent would withdraw the request for hearing if the mediation date is too far out to extend the mailing date.

The Hearing Officer notified the parties that the regulations permit one extension of up to 30 days for settlement purposes and that such extension would move the mailing date to March 24, the same date as the scheduled mediation. After fully considering the positions of the parties, the request for an extension was granted and the deadline to mail the final decision and order

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<sup>1</sup> All dates are 2014 unless otherwise indicated.

extended until March 24. The Hearing Officer noted that Student's Attorney can decide whether to withdraw the case, seek another extension to accommodate hearing dates after the mediation, or select hearing dates and indicated that if some action was not taken by March 14, the case would be dismissed for failure to prosecute. The parties have made no such requests to the Hearing Officer.

### **FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is dismissed.

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