

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Shelton Board of Education

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

Appearing on behalf of the Board: Attorney Craig Meuser  
Chinni & Meuser, LLC  
One Darling Drive  
Avon, CT 06001

Appearing before: Attorney Brette H. Fitton, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board fail to provide the Student with a Free Appropriate Public Education in the Least Restrictive Environment for the 2011-2012 school year?
2. Was the Student eligible to receive Extended School Year services in 2012? If the Student was eligible, did the Board err by failing to provide such services to Student?
3. Did the Board fail to provide the Student with a Free Appropriate Public Education in the Least Restrictive Environment for the 2012-2013 school year?
4. Was the student eligible to receive Extended School Year services in 2012? If the Student was eligible, did the Board err by failing to provide such services to Student?
5. Does the program proposed by the Board for the 2013-2014 school year provide Student with a Free Appropriate Public Education in the Least Restrictive Environment? If the Board's proposed program is not appropriate, what is the appropriate program?

**PROCEDURAL HISTORY AND SUMMARY:**

On July 18, 2013, the Shelton Board of Education received a Request for a Special Education Due Process Hearing and the undersigned hearing officer was appointed. On July 30, 2013, a prehearing conference was held and hearing dates were set for September 27, 2013, October 3, 2013, October 4, 2013, and October 11, 2013. The original deadline for the mailing of the final decision and order was established as October 1, 2013. During the prehearing conference held on July 30, 2013, the Attorney for the Student requested an extension of the mailing deadline in order for the parties to engage in mediation and to accommodate additional hearing dates. This request for an extension was granted and the revised deadline for the filing of the final decision and order was established as October 31, 2013.

A second prehearing conference was scheduled for 9:00 a.m. September 9, 2013, which was postponed so that it would occur after the parties participated in mediation on September 10, 2013. The second

prehearing conference took place on September 13, 2013, during which there was discussion of pending evaluations that both parties felt would contain information critical to the hearing.

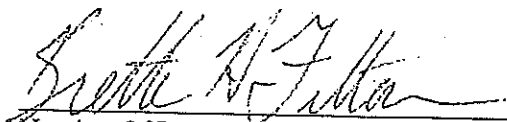
On September 16, 2013, the parties jointly requested that the hearing dates scheduled for September and October be postponed in order to allow time for the completion of the pending independent educational evaluations. The parties also requested an extension of the deadline for the mailing of the final decision and order. The Attorney for the Parent indicated in her request for postponement that the Student would not experience any harm as a result of the postponement of the scheduled dates. After considering all of the applicable factors, the request for postponement was granted and all dates in September and October were postponed and new hearing dates of November 7, 2013 and November 12, 2013 were set. A new deadline for the mailing of the final decision and order was established as November 30, 2013. On November 7, 2013, the hearing was opened and the parties reported that they believed they had reached an agreement that was contingent at least in part upon a visit by Student to a placement, which had yet to occur. The hearing was suspended with instruction to parties that if the hearing request was not withdrawn by 9:00 a.m. November 18, 2013 the hearing would go forward on November 19, 2013. On November 18, 2013, Counsel for the Parents withdrew the hearing request without prejudice. On the second hearing date, November 19, 2013, the matter was dismissed without prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the 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

Brette H. Fitton  
Hearing Officer      Name in Print