

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Greenwich Board of Education

Appearing on behalf of the Parent: Attorney Griffith H. Trow
Bloomenthal & Trow, LLC
970 Summer Street
Stamford, CT 06905

Appearing on behalf of the Board: Attorney Abby R. Wadler
Town of Greenwich
101 Field Point Road
Greenwich, CT 06830

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Student via Request for Impartial Special Education Hearing dated March 20, 2009. The request for due process hearing was received by the Due Process Unit on March 20, 2009. Pursuant to the Request for Hearing and Section 10-76h-10 of the Connecticut State Regulations, the matter was to proceed as an expedited hearing challenging a manifestation determination. Pursuant to the expedited hearing regulations, the hearing officer shall rule on the matter no more than 45 days after the Due Process Unit's receipt of the Request for Hearing. The deadline to rule on the matter in this case is May 4, 2009.

A pre-hearing conference was held on April 6, 2009. Attorney Griff Trow appeared on behalf of the Student and Attorney Abby Wadler appeared on behalf of the Board of Education. At the pre-hearing conference, the parties agreed that, given the school vacation schedule, an attorney vacation schedule, and a jury trial schedule, an expedited request was not necessary given that the Board of Education will not proceed with an expulsion hearing prior to resolution of the issues raised in this case. The parties were given an opportunity to waive, in writing, the timelines for an expedited hearing reviewing a manifestation determination. The deadline to submit a written waiver was April 13, 2009. The hearing officer's order indicated that, absent a written waiver by both parties, the expedited timelines would be followed.

Neither party submitted a timely written waiver of the expedited timelines. The parties indicated their unavailability to proceed under the expedited timelines.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed without prejudice for failure to prosecute under the expedited hearing timelines.