

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Easton 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 of Education: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Easton Board of Education offer the Student a free appropriate public education from August 29, 2011 to the present?
2. If not, is the Student's unilateral placement appropriate?
3. If not, what remedies are appropriate?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in this matter on August 29, 2013. This Impartial Hearing Officer was appointed to hear the case on September 5, 2013. A telephonic pre-hearing conference was held on September 20, 2013. Attorney Jennifer Laviano appeared on behalf of the Student and Attorney Michelle Laubin appeared on behalf of the Board of Education. Hearings were scheduled for December 5, 2013 and December 9, 2013.

On October 2, 2013, Counsel for 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 13, 2013. The purpose of the requested postponement and extension was to allow the parties an opportunity to participate in mediation, which was scheduled for November 22, 2013. That request was granted. On November 26, 2013, Counsel for the Student reported that due to a family emergency, the mediation did not go forward as scheduled on November 22, 2013. As a consequence, Counsel for the Student requested that the two hearing dates of December 5, 2013 and December 9, 2013 be postponed and that the deadline for filing the final decision also be extended and postponed so that the parties could reschedule the mediation and, if necessary, conduct evidentiary hearings in accordance with due process. That request was granted.

A further scheduling conference was conducted on December 10, 2013, and evidentiary hearings were scheduled for February 11, 2014 and February 12, 2014. At that time, Counsel for the Student requested a further thirty-day extension of the deadline for filing the final decision so that the parties could conduct evidentiary hearings in accordance with due process. The request was granted. Subsequently, the parties' mediation was again postponed for reasons beyond their control. The Student made further requests for extension of the deadline for filing the final decision, and those requests were granted in accordance with due process. A further scheduling conference was conducted on March 3, 2014. At that time, additional evidentiary hearings were scheduled for April 11, 2014, May 12, 2014 and May 14, 2014.

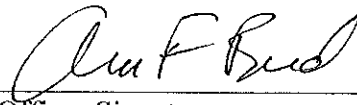
On March 28, 2014, Counsel for the Student reported that the parties had settled the case and requested that the Impartial Hearing Officer dismiss the matter without prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this matter is dismissed without 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

ALAN F BIRD

Hearing Officer Name in Print