

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. New Canaan Board of Education

Appearing on behalf of the Parent: Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214-E
Westport, CT 06680

Appearing on behalf of the Board: Attorney Andreanna Bellach
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901-3522

Appearing before: Laura Share, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the student denied procedural and/or substantive FAPE during the 2016-17, 2017-18 and/or the 2018-19 school years, including ESY-19?
2. If there was a denial of FAPE, was placement at Eagle Hill School for the 2018-19 school year, including ESY-19, appropriate?
3. If placement at Eagle Hill School was appropriate, should the Board reimburse the parents for the costs of that placement including tuition, transportation, and any related costs?
4. If there was a denial of FAPE, is compensatory education appropriate?

PROCEDURAL HISTORY/SUMMARY:

The Student initiated this special education due process case on 8/23/18. This Impartial Hearing Officer was assigned to this case on 8/30/18. A Prehearing Conference was convened on 9/7/18. Attorney Berliner appeared on behalf of the Student and Attorney Bellach appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was 11/6/18. An evidentiary hearing was scheduled for 11/2/18.

On 10/23/18, Attorney Berliner requested a postponement of the first day of hearing scheduled for 11/2/18 and an extension of the mailing date of decision deadline to accommodate mediation. The Board agreed to the requested postponement. The first day of hearing was postponed to 12/5/18 and the deadline was extended to 12/6/18.

January 4, 2019

Final Decision and Order 19-0106

On 11/29/18, Attorney Berliner and Attorney Bellach requested a second postponement of the hearing and a second extension of the mailing date of decision deadline. The purpose of the requested postponement and extension was to accommodate Attorney Bellach's jury duty obligations. The first day of hearing was postponed to 12/30/18 and the deadline was extended to 1/4/19.

On 12/20/18, Attorney Berliner requested to withdraw his complaint without prejudice.

ORDER:

The matter is **DISMISSED** without prejudice.