

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Greenwich Board of Education

Appearing on behalf of the Student: Attorney David C. Shaw  
Law Office of David C. Shaw, LLC  
34 Jerome Avenue, Suite 210  
Bloomfield, CT 06002

Appearing on behalf of the Board of Education: Attorney Abby R. Wadler  
Assistant Town Attorney  
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's Attorney via letter dated February 10, 2010.<sup>1</sup> It was received by the Board of Education on February 11. The thirty-day resolution period ran through March 13 and the original deadline for mailing the final decision and order was April 27, 2010.

A pre-hearing conference was held on March 8. Attorney Shaw appeared on behalf of Student and Attorney Wadler appeared on behalf of the Board of Education.

The following issue was identified: Is the IEP offered Student by the Board of Education for the 2009-10 school year appropriate with regard to the transition program, speech and language, and assistive technology?

Via e-mail dated March 9, Student requested a 30-day extension of the mailing date to permit the parties to participate in mediation on April 7 and, if not successful, to convene the hearing on May 5. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to May 27.

Hearings were scheduled for May 5 and 10. On April 23, Student's Attorney indicated that he was scheduled to begin trial in federal court on May 10 and requested that the May 10 hearing date be cancelled. After fully considering the positions of the parties, the request was granted.

---

<sup>1</sup> All dates are 2010 unless otherwise indicated.

On May 4, Student's Attorney indicated that the parties had reached an oral settlement agreement and that it would take a week for the parties to sign the final agreement. The parties requested that the May 5 hearing be cancelled to permit the parties ten days to sign the agreement and withdraw the case. After fully considering the positions of the parties, the May 5 hearing was cancelled and the parties were notified that if the matter was not withdrawn or new hearing dates requested by May 15, the matter would be dismissed for failure to prosecute.

The matter was not withdrawn and new hearing dates were not requested.

### **FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed for failure to prosecute.