

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent: Attorney Meredith Braxton  
Meredith C. Braxton, Esq. LLC  
280 Railroad Avenue, Suite 205  
Greenwich, CT 06830

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

Appearing before: Robert L. Skelley, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the determination by the Darien Board of Education ("Board") that the behaviors of the Student that prompted a decision by the Board to expel the Student, and subsequently found to not be a manifestation of the Student's disability, a correct decision?
2. Did the Board deny the Student a free and appropriate public education ("FAPE") by failing to identify the Student as eligible for Special Education and by failing to provide procedural safeguards in relation to the manifestation determination hearing?

**PROCEDURAL HISTORY:**

The expedited complaint was filed on behalf of the Parents and the Student on March 17, 2014. A prehearing conference was held on April 1, 2014 to establish a date for the expedited due process hearing. The hearing was set for April 9, 2014. On April 4, 2014, the Parents, through Counsel, withdrew the complaint with prejudice. The withdrawal was made in writing, via email from counsel.

**FINAL DECISION AND ORDER:**

On April 4, 2014, the Parents, through counsel, withdrew the request for an expedited due process hearing, with prejudice. The withdrawal was in writing, via email from counsel for the Parents. With no further issues to be decided, this matter is DISMISSED with 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

Robert L. Skelley, Esq.

Hearing Officer      Name in Print