

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Greenwich Board of Education

Appearing on behalf of the Student:

Attorney Meredith Braxton  
Meredith C. Braxton, LLC  
280 Railroad Avenue, Suite 205  
Greenwich, CT 06830

Appearing on behalf of the Board of Education:

Attorney Abby R. Wadler  
Town of Greenwich Law Department  
101 Field Point Road  
Greenwich, CT 06883

Appearing before:

Attorney Ann F. Bird  
Impartial Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Student eligible for special education and related services?
2. Did the Board of Education fulfill its Child Find responsibility in the 2012-2013 School Year?
3. Did the Board of Education offer the Student a free appropriate public education in the spring of 2013 and if not, is the Student entitled to compensatory education?
4. Did the Board of Education offer the Student a free appropriate public education for the 2013-2014 School Year?
5. If not, was the Student's unilateral placement at Second Nature appropriate? If so, is the Student entitled to reimbursement for the expenses of the unilateral placement at Second Nature?
6. If not, was the Student's unilateral placement at Crossroads appropriate? If so, is the Student entitled to reimbursement for the expenses of the unilateral placement at Crossroads?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in the above-captioned matter on June 10, 2014. The Impartial Hearing Officer was assigned to the case on June 11, 2014. A telephonic pre-hearing conference was held on June 19, 2014. Attorney Meredith Braxton appeared on behalf of the Student and Attorney Abby Wadler appeared on behalf of the Greenwich Board of Education. Hearings were scheduled for July 28, 2014, July 29, 2014 and August 27, 2014.

The hearing was convened on July 28, 2014. At that time, each party reported that a tentative settlement had been reached, but that the settlement could not be finalized because

a person who had certain information necessary to finalize the agreement was not available. At the parties' request, the Impartial Hearing Officer cancelled the hearing scheduled for July 29, 2014 and allowed the parties time to gather the needed information and finalize their settlement agreement.

On Monday, August 18, 2014, the Student submitted a written request for a fourteen-day postponement and extension of the deadline to conduct the hearing and to file the final decision in this case to September 5, 2014. The purpose of the requested postponement and extension was to allow time for the parties to finalize their settlement agreement. The Board of Education did not oppose the requested postponement, and it was granted. In addition, at the Student's request, the Impartial Hearing Officer cancelled the hearing scheduled for August 27, 2014.

A telephonic status conference was conducted on August 27, 2014. The parties reported that they were very close to finalizing their settlement. On the same day, the Student requested an additional extension of the deadline to complete the hearings and file the final decision to September 19, 2014. Again, the request was granted.

On September 12, 2014, the Impartial Hearing Officer directed the parties to report on the status of their settlement agreement, noting that the deadline was approaching. On September 15, 2014, the Board of Education reported that the settlement was very close to finalization. The Student did not report. On September 16, 2014, the Impartial Hearing Officer invited the Student to request an additional postponement of the deadline for filing the final decision by the end of the day if the Student required an additional postponement. The Student did not respond.

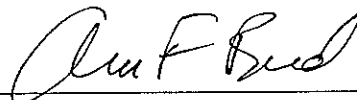
The Student has failed to prosecute the hearing of this matter. The Regulations of Connecticut State Agencies, Section 10-76h-18(a), provides that "the hearing officer may order, sua sponte, an entry of default or dismissal for failure of any party (1) to prosecute a hearing."

**FINAL DECISION AND ORDER:**

It is ordered that matter is dismissed without prejudice for failure to prosecute.

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

Ann F Bird

Hearing Officer

Name in Print