

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Darien Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
The Law Offices of Gerry McMahon LLC
98 Mill Plain Road, Ste 3B
Danbury, CT 06811

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

Appearing before: Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2016/2017 School Year?
2. If not, is the Forman School Appropriate?
3. If the Forman School is appropriate, is the Student entitled to reimbursement for the expense of the Forman School and/or placement there?
4. Is the Student entitled to reimbursement for the expense of the Dorta evaluation?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on July 14, 2016. This Impartial Hearing Officer was appointed to hear the case on July 18, 2016. A telephonic pre-hearing conference was convened on August 5, 2016. Attorney Gerry McMahon appeared on behalf of the Student and Attorney Andreana Bellach appeared on behalf of the Board of Education. The deadline for issuing the final decision and order was established to be September 27, 2016. An evidentiary hearing was scheduled for September 9, 2016. On August 15, 2016, the Student requested that the evidentiary hearing be rescheduled to September 19, 2016. The Board of Education concurred in the request and it was granted.

On September 14, 2016, the Board of Education reported that the parties had reached an agreement for resolution of this case and requested that the September 19, 2016 evidentiary be cancelled. The Student consented to this request and the hearing was cancelled. On September 14, 2016, the Impartial Hearing Officer also ordered the parties to report no later than September 22, 2016 to request either dismissal of the case or that a new hearing date be scheduled. Neither party responded to this order or requested that the deadline for filing the final decision be extended. The Student has failed to take reasonable steps to prosecute this matter.

FINAL DECISION AND ORDER:

It is ordered that this matter is dismissed 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