

**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 2014/2015 School Year, including the 2014 Extended School Year?
  - a. If the Board of Education did not offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year, was the unilateral placement at Eagle Hill appropriate?
  - b. If the Board of Education did not offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year, is the Student entitled to reimbursement for the expense of the unilateral placement at Eagle Hill?
  - c. If the Board of Education did not offer the Student a free appropriate public education for the 2014/2015 School Year, including the 2014 Extended School Year, but Eagle Hill was not appropriate, is the Student entitled to compensatory education services?
2. Did the Board of Education offer the Student a free appropriate public education for the 2015/2016 School Year, including the 2015 Extended School Year?
  - a. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year, including the 2015 Extended School Year, was the unilateral placement at Maplebrook appropriate?
  - b. If the Board of Education did not offer the Student a free appropriate public education for the 2015/2016 School Year, including the 2015 Extended School Year, is the Student entitled to reimbursement for the expense of the unilateral placement at Maplebrook?
  - c. If the Board of Education did not offer the Student a free appropriate public

education for the 2015/2016 School Year, including the 2015 Extended School Year, but Maplebrook was not appropriate, is the Student entitled to compensatory education services?

3. Did the Board of Education offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year?
  - a. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, is the unilateral placement at Maplebrook appropriate?
  - b. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, is the Student entitled to reimbursement for the expense of the unilateral placement and/or placement at Maplebrook?
  - c. If the Board of Education did not offer the Student a free appropriate public education for the 2016/2017 School Year, including the 2016 Extended School Year, but Maplebrook is not appropriate, is the Student entitled to compensatory education services?

#### **PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in the above-captioned matter on July 8, 2016. This Impartial Hearing Officer was appointed to hear the case on July 11, 2016. A telephonic pre-hearing conference was convened on July 19, 2016. Attorney Gerry McMahon appeared on behalf of the Student and Attorney Andreana Bellach appeared on behalf of the Board of Education. It was determined that the deadline for filing the final decision and order is September 20, 2016. An evidentiary hearing was scheduled for September 19, 2016.

On September 1, 2016, the Board reported that the parties were discussing settlement of the case and requested that the hearing scheduled for September 19, 2016 be cancelled. The Student concurred and the hearing was cancelled.

On September 14, 2016, the Impartial Hearing Officer asked for a status report from the parties and noted that the deadline for filing the final decision and order was approaching. Neither party provided a status report, requested that the deadline be extended or took other steps to prosecute this case.

#### **FINAL DECISION AND ORDER:**

It is ordered that the 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