

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Newtown Board of Education

Appearing on behalf of the Parents: Attorney Celia M. Barnum  
103 South Main Street  
Newtown, CT 06470

Appearing on behalf of the Board: Attorney Daniel P. Murphy  
Siegel, O'Connor, Zangari,  
O'Donnell & Beck  
171 Orange Street  
New Haven, CT 06504

Appearing before: Attorney Gail K. Mangs, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:**

1. Should the Board test the student for attention deficit disorder?

**PROCEDURAL HISTORY AND SUMMARY:**

This hearing was requested on June 18, 2002. The prehearing conference took place on June 27, 2002. A postponement was granted so that the parent could retain and consult with counsel; the first day of hearing was scheduled for July 31, 2002. An additional postponement was granted at the request of the Board's counsel and the hearing was rescheduled for September 13, 2002. On September 12, 2002, the hearing officer was present for the entire day at a due process hearing in a different school district. On September 13, 2002, the hearing officer appeared at the Board's high school as scheduled and was told by staff in the Board's special education office that the parties had settled the hearing; neither party was present. Upon returning to her office, the hearing officer noted a facsimile memorandum dated September 12, 2002 from the parent's attorney, stating that the parties had reached an agreement and would not be going forward with the hearing. The request for hearing was not withdrawn. Accordingly, due to the failure of the parties to attend the hearing as scheduled, and the memorandum from the parent's attorney stating that an agreement between the parties had been reached, this hearing is dismissed.

**Final Decision and Order:**

This hearing is dismissed.