

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Student: Attorney Piper Paul  
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Westport, CT 06880

Appearing on behalf of the Board: Attorney Christopher Tracey  
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Stamford, CT 06901-3522

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:** Did the District err when it determined that Student's conduct was not a manifestation of his disability?

**PROCEDURAL HISTORY AND SUMMARY:** On May 11, 2018, the Fairfield Board of Education received a request for an expedited special education due process hearing request. The State of Connecticut Department of Education appointed the undersigned Hearing Officer to preside over the case on May 15, 2018. Given the nature of the hearing request, expedited timelines were applied. R.S.C.A. § 10-76-10; 34 CFR § 532(c) After a review of the Fairfield Public School District 2017-2018 calendar, the deadline for completion of the hearing was set for June 11, 2018 and the deadline for the mailing of the final decision and order was established as June 20, 2018. On May 18, 2018, a prehearing conference was held. A follow up prehearing conference was scheduled for May 22, 2018, but that conference did not take place as the parties indicated they had resolved the matter at a resolution session and were reducing the agreement to a writing. Hearing dates of June 5, 2018 and June 6, 2018 were set on May 22, 2018 in the event the anticipated agreement did not come to fruition. On May 30, 2018, Attorney for the Parents sent an email to the Hearing Officer indicating Parents were withdrawing the matter without prejudice. In response to the Hearing Officer's request for the Board's position on the withdrawal without prejudice, the Attorney for the Board indicated the Board had no objection on June 4, 2018. As a result the hearing dates were cancelled.

**FINAL DECISION AND ORDER:** In light of the above facts, the case is dismissed.