

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Student:

Attorney Piper Paul
Law Office of Piper Paul, LLC
1465 Post Road East, 1st Floor
Westport CT 06880

Appearing on behalf of the Board:

Attorney Andreana R. Bellach
Shipman & Goodwin LLC
300 Atlantic Street, 3rd Floor
Stamford, CT 06901

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education provide FAPE for the 2016-17 and/or the 2017-18 School Years?
 - a. If not, is the Windward School appropriate for the Student?
 - b. If the Board of Education did not provide FAPE for the Student 2016-17 and/or the 2017-18 School Years and the Windward School is appropriate for the Student, should the Student be placed at the Windward School for two years as compensatory education due to the Board's failure to provide FAPE?

2. Does the program proposed by the Board for the 2018-19 provide FAPE?
 - a. If the program proposed by the Board for the 2018-19 does not provide FAPE, is the Windward School appropriate for the Student in the least restrictive environment?
 - b. If the program proposed by the Board for the 2018-19 does not provide FAPE and the Windward School is appropriate for the Student in the least restrictive environment, should the Student be placed at the Windward School for the 2018-19 School Year?

PROCEDURAL HISTORY:

The Student initiated this special education due process case on August 13, 2018. This Impartial Hearing Officer was assigned to the case on August 14, 2018. A Prehearing Conference was scheduled for September 5, 2018 but neither party appeared. Attorney Paul, representing the Student, then reported that the matter had been resolved at mediation but that an agreement had not been executed. Both counsel were advised that they would have until September 25 to request dismissal with prejudice.

Neither counsel has reported as to the status of the matter or requested that the prehearing conference be reconvened as of noon on September 28, 2018.

FINAL DECISION AND ORDER:

1. The matter has not been prosecuted by the Student.
2. This matter is dismissed for lack of prosecution.