

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Derby Board of Education

Appearing on behalf of the Parent: *Pro Se*

Appearing on behalf of the Board: Attorney Melanie Dunn
Law Offices of Siegel, O'Connor, O'Donnell & Beck, P.C.
150 Trumbull Street
Hartford, CT 06103

Appearing before: Attorney Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Student via Request for Impartial Special Education Hearing. It was received by the Board of Education on November 9, 2009. Therefore, the 30-day resolution period ran through December 9, 2009 and the deadline for mailing the final decision and order is January 23, 2010.

A pre-hearing conference was held on December 17, 2009. Attorney Dunn appeared on behalf of the Board of Education. No one appeared on behalf of the Student. At the pre-hearing conference, Attorney Dunn represented that the parties engaged in a resolution meeting, that the parties came to an agreement, and that paragraph three of the agreement indicates that the Student agrees not to pursue a due process request during the current school year.

The case had not been withdrawn by the Student. In a Memorandum to the Parties & Order, the Hearing Officer indicated that if a request for hearing is to be withdrawn, the party who requested the hearing must submit the request for withdrawal in writing.

Given the representation of the Board of Education's attorney and the absence of the Parent or other Student representative on the pre-hearing conference call, the Hearing Officer believed that the case has been settled and that it was the Student's intention to not proceed with a hearing. The Student was given until December 28, 2009 to indicate, in writing, an intention to proceed with the due process hearing. The Student was informed that if he did not so indicate an intention to proceed by that date, the matter would be dismissed in light of the settlement agreement and failure to prosecute. The Student made no indication of an intention to proceed with the hearing.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed for failure to prosecute.