

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Danbury Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon  
The Law Offices of Gerry McMahon, LLC  
98 Mill Plain Road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of the Board: Attorney Julie Fay  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District violate Student's right to a Free Appropriate Public Education ("FAPE") under the Individuals with Disabilities Education Act ("IDEA") for that portion of the 2014-2015 school year beginning on January 30, 2015 and ending at the end of the school year?
2. Did the District violate Student's right to a FAPE during the Extended School Year ("ESY") in the summer of 2015?
3. Did the District violate Student's right to a FAPE under the IDEA during the 2015-2016 school year?
4. Did the District violate Student's right to a FAPE during the ESY in the summer of 2016?
5. Did the District violate Student's right to a FAPE under the IDEA during the 2016-2017 school year?

**PROCEDURAL HISTORY AND SUMMARY:**

On January 30, 2017, the Board received a Special Education Due Process Hearing Request filed by Attorney for the Parents. On January 31, 2017, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the case. On February 16, 2017 a prehearing conference was held and May 22, 2017 was set as the hearing date and the deadline for mailing the final decision and order was established as April 14, 2017. The parties jointly requested an extension of the mailing deadline in order to accommodate their participation in mediation. This request was granted and resulted in a new mailing deadline of May 12, 2017. Attorney for the Board filed a motion to dismiss and a memorandum of law in support of its motion shortly before the prehearing conference commenced. Upon being

March 28, 2017

Final Decision and Order 17-0326

informed by the Hearing Officer that the Board had filed a motion to dismiss, the Attorney for the Parents requested an extension of the deadline for filing a response. This request was granted and March 27, 2017 was established as the deadline by which Attorney for the Parents was to file an objection to the motion to dismiss. On March 15, 2017, Attorney for the Parents requested another extension of the deadline to file an objection. This request was denied. On March 26, 2017, Parents withdrew their request for a special education due process hearing without prejudice. The Board did not object to the withdrawal without prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.