

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of Student:

Attorney Anne Treimanis
Law Office of Anne I. Treimanis LLC
10 Wall Street
Norwalk, CT 06850

Appearing on behalf of the Board of Education:

Attorney Andreana R. Bellach
Attorney Christopher Tracey
Shipman & Goodwin LLP
300 Atlantic Street
Stamford, CT 06901

Appearing before:

Attorney Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated September 13, 2011.¹ It was received by Board of Education ("BOE") on September 13. The thirty-day resolution period ended October 13 and the original deadline to mail the final decision and order was November 27.

A telephonic pre-hearing conference was held on October 3. Attorney Treimanis appeared on behalf of Student and Attorney Bellach appeared on behalf of BOE. The following issues were identified at the pre-hearing conference:

1. Did BOE fail to provide Student with a free appropriate public education during the 2011 extended school year?
2. Did BOE fail to offer Student a free appropriate public education during the 2011-12 school year?
3. Did BOE fail to allow Student's Parent to be meaningful participants in the IEP process?
4. Did BOE fail to appropriately evaluate Student in all areas of suspected disabilities?
5. If the answer to any of the above questions is in the affirmative, what shall be the remedy?

¹ All dates are 2011 unless otherwise indicated.

The parties agreed to participate in mediation in lieu of a resolution session. The parties participated in mediation on October 25 but did not reach an agreement.

Via e-mail dated November 9, BOE's Attorney requested a 45-day extension of the mailing date. After fully considering the positions of the parties, the request for an extension was granted, limited to a thirty day extension as permitted by State regulation. The deadline to mail the final decision and order was extended until December 27.

Hearing was scheduled for December 14. Via e-mail dated December 7, Student's Attorney notified the Hearing Officer that the parties had been working diligently on a settlement; that the parties verbally reached a settlement; that BOE's Attorney will prepare a final written settlement agreement on December 12; and that the agreement will be signed if it is in conformity with the terms of the verbal agreement. In light of that representation, the December 14 hearing was cancelled.

The parties were given until December 20 to either file a motion to withdraw based on the settlement agreement or request an extension of the mailing date and provide the Hearing Officer with mutually available hearing dates. On December 16, Student's Attorney indicated that the matter was settled and withdrew the request for due process with prejudice.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.