

November 7, 2012

Final Decision and Order 13-0144

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parents:

Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

Appearing on behalf of the Board:

Attorney Andreana Bellach
Shipman & Goodwin, LLP
300 Atlantic Street
Greenwich, CT 06901

Appearing before:

Justino Rosado Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Does the Student require a reading program through Lindamood Bell in order to receive FAPE?
3. Does the Student require a trained specialist in Orton Gilligam in order to receive FAPE?

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in The Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents disagreed with the program offered by the PPT. The Parents requested a reading program through Lindamood Bell. The Board refused the Parents' request. On September 27, 2012, the Board received notice of the Parents' request for due process. The parties agreed to mediate the matter instead of a resolution meeting.

An impartial hearing officer was appointed on September 27, 2012 and a pre-hearing conference was held on October 8, 2012. At the pre-hearing conference, the Parents advised that they were going to retain an attorney. In an electronic transmission the hearing officer was advised that the Parents had retained counsel and were withdrawing the matter without prejudice. The date for mailing of the Final Decision and Order is December 11, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.