

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on Behalf of the Parents:

Attorney David Shaw
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Appearing on Behalf of the Board:

Attorney Andreana Bellach
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Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the program offered by the Board for the 2011-2012 school year appropriate, and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the program at Eagle Hill provide the Student with FAPE in the LRE?
3. Should the Board be responsible for all costs associated with the program at Eagle Hill?
4. Should the Board reimburse the Parents for the independent educational and occupational therapy evaluations they funded?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Speech or Language Impaired and is entitled to receive a free and appropriate public education ("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. At a PPT meeting, the Parents rejected the program offered by the Board for the 2011-2012 school year. The Parents requested placement at Eagle Hill at Board's expense. The Board refused the Parents' request.

On July 15, 2011, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on July 19, 2011 and a prehearing conference was held on July 27, 2011. Hearing dates of September 16, 26 and 27, 2011 were chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter would be withdrawn with prejudice as soon as the parties had formalized the agreement. On October 24, 2011 the parties informed the hearing officer that the agreement had been ratified and the matter may be withdrawn with prejudice. At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for mailing the Final Decision and Order is October 28, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.