

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parents:

Attorney Gregory Smith
89 West Lane
Ridgefield, CT 06877

Appearing on behalf of the Board:

Attorney Andreana Bellach
Shipman & Goodwin LLP
300 Atlantic Street
Stamford, CT 06901-3522

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's proposed program for the Student is appropriate;
2. If not, whether the Board shall fund the Student's placement at a residential treatment school for up to 12 months.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing was submitted by the Parents' attorney on October 6, 2011. The prehearing conference was initially scheduled for October 19, 2011 and was rescheduled for October 25, 2011 at the request of counsel.

At the first prehearing conference on October 25, 2011 the Board's attorney was present, but the Parents' attorney was not present. The Board's attorney noted that she had a signed agreement in the matter, and agreed to the scheduling of a second prehearing conference to allow the Parents' attorney time to submit notification to the hearing officer of the settlement or to proceed with a second prehearing conference at the end of the week. On October 25, 2011 the Parents' attorney submitted notification that he was in a meeting and forgot about the prehearing conference. He noted in that email that once he knows that the Board signed the agreement, he will withdraw his request for hearing. Subsequently, on the same date, the Parents' attorney submitted an email that the agreement was signed by all parties and that he withdraws his request with prejudice. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.