

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent: Attorney Gerry McMahon
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98 Mill Plain Rd., Ste. 3B
Danbury, CT 06811

Appearing on behalf of the Board: Attorney Andreana Bellach
Shipman & Goodwin, LLP
300 Atlantic Avenue
Stamford, CT 06901

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate child find in not finding the Student eligible for special education and related services in a timely manner? If so;
2. Was the program provided by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
4. Should the Board reimburse the Parents for their unilateral placement of the Student at Little Keswick for the 2013-2014 school year?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at Little Keswick for the 2014-2015 school year until April 29, 2015?
6. Should the Board reimburse the Parents for their unilateral placement of the Student at Westport Day School from April 30, 2015 to the end of the 2014-2015 school year?
7. Should the Board reimburse the Parents for their unilateral placement of the Student at the Grove School in Madison CT for the summer of 2015?
8. Should the Board reimburse the Parents for the cost of the psychological evaluation?
9. Is the program provided by the Board for the 2015-2016 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
10. Does the unilateral placement at The Grove School offer the Student a meaningful education? If so;
11. Should the Board be responsible for the cost of the Student's placement at The Grove School?
12. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as 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 Statutes §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents requested that the Student be found eligible for special education and related services as identified in IDEA. The Parents requested reimbursement for their unilateral placements. The Board refused the Parents' request. On September 8, 2015, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter.

An impartial hearing officer was appointed on September 8, 2015 and a pre-hearing conference was held on September 11, 2015. In an electronic transmission the parties advised the hearing officer that the matter had been resolved and requested cancelation of the hearing date. The parties requested additional time to finalize an agreement. The November 20, 2015 hearing date was cancelled.

In an electronic transmission dated December 2, 2015, the parties advised the hearing officer that the agreement had been signed by all parties. The Parents' attorney withdrew the matter with prejudice. The mailing date for the Final Decision and Order is December 18, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print