

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on Behalf of the Parents:

Attorney Andrew Feinstein
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Mystic, Ct 06355

Appearing on Behalf of the Board:

Attorney Andreana Bellach
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Appearing Before:

Attorney Justino Rosado
Hearing Officer

ISSUES:

1. Did the Board fail to advise the Student as to the availability of 504 accommodations during the 2009-2010 school year?
2. Was the program provided by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate education (FAPE) in the least restrictive environment (LRE)? If not;
3. Does the program at Spire School provide the Student with FAPE in the LRE?
4. Does the Board's proposed placement at Cedarhurst comply with RCSA § 10-76d-19(a) which requires that the Student be transported within one hour?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance 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 2010-2011 school year. The Parents requested placement at Spire School. The Board refused the Parents' request and the Parents filed for due process.

On or about April 26, 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. The mediation was scheduled for June 22, 2011.

An impartial hearing officer was appointed on April 26, 2011 and a pre-hearing conference was held on May 5, 2011. A hearing date of July 10, 2011 was chosen by the parties.

The parties requested an extension of the mailing date in order to continue mediating the matter. In an electronic transmission dated June 25, 2011, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter and requested that the matter be withdrawn with prejudice. The withdrawal with prejudice was granted.

At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing dates and to allow additional time for the mediation, the date for the mailing of the Final Order and Decision was extended to August 8, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.