

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

BS v. Darien Board of Education

Appearing on behalf of the Student:

Lawrence Berliner, Esq.  
Law Office of Lawrence Berliner, PC  
1720 Post Road East Suite 214-E  
Westport, Ct 06880

Appearing on behalf of the Board:

Christopher Tracey, Esq.  
Shipman & Goodwin LLP  
300 Atlantic St.  
Stamford, CT 06901

Appearing before:

Attorney Susan Dixon  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Should Darien Public Schools have provided the Student with an IEP for the 2015-16, 2016-17 and/or 2017-18 school year that would have provided the Student with FAPE, that took into account the concerns presented by the Parents for enhancing the Student's education and meeting the Student's unique and individual needs.
2. Should Darien Public Schools should have provided the Student with an IEP for the 2016-17 and 2017-18 school years that would have provided the Student with FAPE, that took into account the concerns presented by the Parents for enhancing the Student's education and the most up to date professional recommendations provided to the PPT by Dr. Kruger for enhancing the Student's education and meeting the Student's unique and individual needs?
3. Should Darien Public Schools have provided the Student with an IEP that took into account the concerns of the Parents for enhancing the Student's education and meeting the Student's unique needs, rather than making a categorical recommendation for a Royle Elementary School placement for each school year at issue, that was not appropriate for the Student's unique needs and was inconsistent with the professional recommendations provided for the 2015-16, 2016-17 and/or 2017-18 school years.
4. Should Darien Public Schools have provided the Student with an IEP that took into account the Parent's concerns that the Student was not making any meaningful progress with the Royle Elementary School placement during the 2016-17 school year and would continue not to make any meaningful progress during the 2017-18 school year with the program and placement that was proposed at that elementary school?
5. Should Darien Public Schools have provided the Student with an IEP that was consistent the Parent's placement request and Dr. Kruger's recommendations that the Student required a highly structured program with a small teacher/student ratio such as Villa Maria Academy, Eagle Hill-Greenwich or Eagle Hill-Southport that would remediate the Student's significant academic, social, and other challenges?

6. Should Darien Public Schools have placed the Student at Eagle Hill-Greenwich and/or reimbursed the Parents for the costs of that school for the 2017-18 school years and/or ESY-17, including tuition and transportation?
7. Should the Darien Public Schools have offered to reimburse the Parents for the cost of Dr. Kruger's evaluation report that was reviewed and/or utilized at one or more PPT meetings to develop the Student's IEP?
8. Should Darien Public Schools have complied with the substantive and procedural requirements set forth in the IDEA and applicable state special education statutes and state and federal regulations with respect to the development of the student's IEPs and the provision of FAPE for the 2015-16, 2016-17 and/or 2017-18 school years, including ESY-17?
9. Should Darien Public Schools be responsible for providing the Student with compensatory education as an equitable remedy that is appropriate for the denial of FAPE for the 2015-16, 2016-17 and/or 2017-18 school years, including ESY-17?

**PROCEDURAL HISTORY/SUMMARY:**

The Student filed the Due Process Complaint and Request for Hearing on October 9, 2017. The Hearing Officer was appointed on October 11, 2017 and conducted a Prehearing Conference on October 13, 2017. A hearing was held on November 16, 2017, at which time the parties jointly requested the matter be continued to attempt resolution between themselves. Thereafter, the parties were granted several additional extensions of hearing dates, which extensions were determined to be in the best interests of the Student. The parties worked continuously and diligently and conducted extended negotiations. A hearing was scheduled for February 20, 2018.

On February 15, 2018, the Student's attorney reported to the Hearing Officer that the parties had finalized their agreement and that the Student was withdrawing the Due Process Complaint with prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED WITH PREJUDICE**.