

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on Behalf of the Parents: Attorney Tracey Spencer Walsh  
Mayerson & Associates  
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New York, NY 10018

Appearing on Behalf of the Board: Attorney Andreana Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Street  
Greenwich, CT 06901

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Is the Student eligible to receive special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If Yes;
2. Should the Board pay for the cost of the Parents' unilateral placement of the Student at The Grove School for the 2010-2011 school?
3. Was the program provided by the Board from August 30, 2008 through the 2008-2009 school year appropriate and provide the student with a free and appropriate education (FAPE) in the least restricted environment (LRE)?
4. Was the program provided by the Board for the 2009-2010 school year appropriate and provide the student with FAPE in the LRE?
5. Is the program provided by the Board for the 2010-2011 school year appropriate and provide the student with FAPE in the LRE? If not;
6. Should the Parent be reimbursed for the cost of their unilateral placement of the Student at The Grove School for the 2009-2010 school year?
7. Should the Board provide Compensatory Education for the denial of FAPE from August 30, 2008 through the 2008-2009 school year?
8. Should the Board provide Compensatory Education for the denial of FAPE for the 2009-2010 school year?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student is 11 years and 2 months old, 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 Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents did not agree with the 2010-2011 school program and requested that the Student be placed at The Eagle Hill School in Greenwich, CT. The Board refused the Parents' request.

On or about July 7, 2010, the Board received notice of the Parents' request for due process. The parties requested mediation in place of a resolution session. Mediation was scheduled for September 20, 2010. An impartial hearing

officer was appointed on July 9, 2010 and a pre-hearing conference was held on July 19, 2010. Hearing dates of September 20 and 23, 2010 were chosen by the parties. The Board filed a Sufficiency challenge and the Parent filed a timely objection. The Sufficiency challenge was denied. The Board also filed a Motion to Strike and the Parent filed timely objection. On or about September 10, 2010, the Parents' attorney filed a Motion to Amend the due process complaint. The Motion to Amend was granted. An additional telephonic conference was held and hearing dates of November 1 and 23 and December 9 and 10, 2010 were chosen by the parties. The Board refiled a Motion to Strike to address the amended due process request. On or about October 18, 2010, the Parents' attorney requested a 5 day extension to file their Objection to the Motion to Amend as the parties were attempting to resolve the matter. In a electronic transmission, the parties informed the hearing officer that the matter was resolved and requested a withdrawal with prejudice. At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing date and the restart of the timeline by the Motion to Amend, the date for the mailing of the Final Decision and Order was extended. The date for the Final Decision and Order is November 27, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**