

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent:

Andrew Feinstein, Esq.
Attorney at Law
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board:

Andreana Bellach, Esq.
Shipman & Goodwin, LLP
300 Atlantic Avenue
Stamford, CT 06901

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide an appropriate program in the least restrictive environment after the Parents notified Board of their intention to place Student in the Board's school on September 11, 2014?
2. Did the Board fail to incorporate agreed upon services as a result of three PPT meetings in the fall of 2014 into a single IEP and did the Board fail to provide qualified staff to implement these services?
3. Did the Board retaliate against Parent for exercising her first amendment rights of free speech in violation of 42 USC Section 1983?
4. Does the Hearing Officer have jurisdiction to award compensatory education or other equitable relief because the Board retaliated against Parent for exercising her constitutionally protected rights; and if so, is the Student entitled to an award of compensatory education or other equitable relief?
5. Did the Board fail to provide compensatory education as required under the parties August 2013 settlement agreement and if so, do the circumstances warrant an award of compensatory education?
6. If the Board failed to provide FAPE to the Student after September 11, 2014, do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:

The Parent filed the Due Process Complaint and Request for Hearing on January 17, 2015. The Hearing Officer was appointed on January 22, 2015. At the Prehearing Conference on January 30, 2015, the Hearing Officer granted the parties' request for extension of the mailing date so that they could engage in voluntary mediation in April of 2015. The

April 14, 2015

Final Decision and Order 15-0318

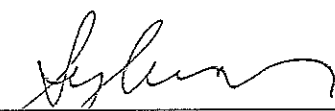
hearing was scheduled for April 28, 2015. On March 24, the parties jointly requested a postponement of the hearing date and an extension of the mailing date of the Final Decision because they had made substantial progress narrowing the issues in dispute after voluntary mediation and believed that they could come to an agreement. The parties' request was granted and the hearing date was postponed to May 20, 2015 and the mailing date of the Final Decision was postponed to June 4, 2015. On April 13, the Parent's attorney reported to the Hearing Officer that the parties had come to an agreement and that the Parent was withdrawing the Due Process Complaint with prejudice.

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

Sylvia Ho
Hearing Officer Name in Print