

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent: Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road, Ste. 214E
Westport, CT 068801

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. Was the program offered by the Board for the 2016-2017 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the program at Eagle Hill provide the Student with FAPE in the LRE?
3. Should the Board be responsible for the cost of the program at Eagle Hill for the 2016-2017 school year?
4. Does the Student require an extended school year (ESY) for the summer of 2016?
5. Should the Board be responsible for the cost of the ESY program at Eagle Hill for the summer of 2016?
6. Is the Student entitled for compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Specific Learning Disabilities and is 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 Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents requested that the Student be placed at Eagle Hill for the 2016-2017 school year. The Board denied the Parents' request. On June 21, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on June 22, 2016 and a pre-hearing conference was held on July 1, 2016. The parties agreed to a resolution meeting. An October 5, 2016 hearing date was chosen by the parties.

In an electronic transmission the parties advised the hearing officer that the matter had been resolved and requested cancelation of the hearing date. The hearing date was cancelled and the Parents' attorney withdrew the matter with prejudice. The mailing date of the Final decision and Order was extended to accommodate the hearing date. The date for the mailing of the Final Decision and Order is October 7, 2016.

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