

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Darien Board of Education

Appearing on behalf of the Student: Attorney Philip Cohn  
Goldman Gruder & Woods, LLC  
200 Connecticut Avenue  
Norwalk, CT 06854-1964

Appearing on behalf of the Board: Attorney Andreana R. Bellach  
Shipman & Goodwin LLC  
300 Atlantic Street, 3<sup>rd</sup> Floor  
Stamford, CT 06901

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

The following issues were identified for determination at the hearing:

1. Did the Board of Education offer the Student a Free Appropriate Public Education (FAPE) for the 2017-2018 (from December 13, 2017), 2018-2019 and 2019-2020 School Years, including extended school years?
  - a) If not, does the Student require a residential therapeutic placement?
  - b) If so, is Calo an appropriate placement?
  - c) If so, is the Student entitled to reimbursement for the expenses of the Student's placement at Calo?
  - d) Is the Board obligated to place the Student at Calo prospectively and or pay the expenses of Calo for the 2020-2021 School Year?
2. If Board of Education did not offer the Student FAPE for the 2017-2018 (from December 13, 2017), 2018-2019 or 2019-2020 School Years, including extended school years, is the Student entitled to reimbursement for educational costs incurred as a result, including the cost of an educational consultant, the cost of therapies not covered by insurance or the cost of the Student's and her parents' travel to and from Calo?
3. If Board of Education did not offer the Student FAPE for the 2017-2018 (from December 13, 2017), 2018-2019 and 2019-2020 School Years, including extended school years, is the Student entitled to compensatory education services?
  - a) If so, what type and amount of such services are appropriate?

4. Did the Board of Education violate the Student's rights under Section 504 of the Rehabilitation Act?

a) If so, is the Student entitled to tuition reimbursement, compensatory education and reimbursement for educational related expenses and damages?

### **PROCEDURAL HISTORY**

The Student initiated this special education due process case on December 13, 2019. This Impartial Hearing Officer was assigned to the case on December 18, 2019. A Prehearing Conference was convened on January 8, 2020. Attorney Philip Cohn appeared on behalf of the Student and Attorney Andreana Bellach appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was February 26, 2020. An evidentiary hearing was scheduled for March 10, 2020 and March 12, 2020.

On February 19, 2020 the Student requested a postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 25, 2020. The purpose of the requested postponement and extension was to accommodate the hearing schedule. The Board of Education agreed to the requested postponement and it was granted.

On March 4, 2020, the Student reported that the matter had been resolved in principal and requested that the hearings be cancelled. The request was granted and the hearings scheduled for March 10, 2020 and March 12, 2020 was cancelled.

On March 4, 2020, the Student requested that the matter be dismissed without prejudice.

### **FINAL DECISION AND ORDER:**

The request is granted and the matter is dismissed without prejudice.