

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Atty. Nora A. Belanger, Law Office of Nora A. Belanger, L.L.C., 10 Wall Street, Norwalk, CT 06850

Appearing on behalf of the Fairfield Board of Education: Atty. Michelle C. Laubin, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

1. Did the Board provide a free appropriate public education (FAPE) to the Student for the 2006-2007 school year and 2007 extended school year (ESY)?
2. Did the Board provide or propose a FAPE to the Student for the 2007-2008 school year and 2008 ESY?
3. Did the Board propose a FAPE to the Student for the 2008-2009 school year or the 2009 ESY?
4. If not, should the Board be required to reimburse the Parents for the costs of private tutoring at the Lindamood-Bell program?
5. Should the Board be required to provide the Student with an IEP that places her at Eagle Hill School and provides tutoring at Lindamood-Bell for the ESY 2008 and 2008-2009 school year including transportation?
6. Should the Board be required to reimburse the Parents for private evaluations?
7. Are the Parents entitled to compensatory education for the Student for any period of time?

## PROCEDURAL HISTORY

The Parents' attorney mailed and faxed a letter on April 17 requesting a due process hearing to the State Department of Education ("SDE"). The Board received a copy of the letter on April 17. This Hearing Officer was assigned to the case on April 21. On April 23, Atty. Laubin notified the Hearing Officer that she would be representing the Board. A prehearing conference was held on April 28, 2008. The parties requested hearing dates in late June so that they could schedule a mediation in the beginning of June. The Board's attorney stated that the Board wanted to bifurcate the hearing to separate the ruling on its programs from the issue of placement at Eagle Hill. The Parents' attorney objected to bifurcation. A schedule was agreed on for the motion to bifurcate to be filed by May 12, the objection by May 19 and the decision on the motion to be rendered by May 27. Hearing dates were agreed on for June 23, 25 and 30 and July 10. The Parents' attorney's request to extend the mailing date for the final decision to August 25, 2008 was granted. The Hearing Officer denied the motion to bifurcate on May 27, finding that the Parents had not unilaterally placed the Student at Eagle Hill, but had simply requested that the Planning and Placement Team place the Student there at the April 17, 2008 meeting. On June 3, the Board's attorney filed a motion to reconsider the May 27 ruling because the Student had in fact been unilaterally placed at Eagle Hill. On June 4, the Parents' attorney objected to the Board's motion and asserted that the Parents had not unilaterally placed the Student, but were simply researching schools. She also requested that no further motions be filed prior to the mediation, which was scheduled on June 6.

On June 9, the SDE advised the Hearing Officer that the parties had reached an agreement at the June 6 mediation and that Parents' attorney would withdraw the hearing request. On June 9, the Board's attorney wrote to the Hearing Officer requesting that the Hearing Officer find that the Parents' attorney's statements violated the Rules of Professional Conduct. On June 11, the Parents' attorney filed a withdrawal of the due process request with prejudice. She also expressed disagreement with statements made by the Board's attorney in the June 9 letter. On June 12, following receipt of another letter from the Board's attorney countering statements in the Parents' attorney's June 11 letter, the Hearing Officer advised the parties that the June 3 motion to reconsider the May 27 ruling was denied as moot in light of the June 6 settlement and that the case would be dismissed.

## FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed with prejudice.