

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student vs. Darien Board of Education

Appearing on behalf of the Parent:

Attorney Gerry McMahon
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Appearing on behalf of the Board:

Attorney Andreana Bellach
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300 Atlantic Avenue
Stamford, CT 06901-3522

Appearing before:

Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Darien Board of Education (“Board”) fail to provide the Student a free and appropriate public education (“FAPE”) during the 2012-2013 (from October 2012 forward) academic years, inclusive of an extended school year (“ESY”)?
2. Did the Board deny the Student a FAPE for the 2013-2014 academic years, inclusive of a summer ESY?
3. Did the Board deny the Student a FAPE for the 2014-2015 academic years, inclusive of a summer ESY?
4. If the answer to issues number 1, 2 or 3 is YES, does the Student need an out of district placement?
5. If the answer to issue number 4 is YES, is the Eagle Hill School an appropriate placement?
6. If Eagle Hill School is an appropriate placement, are the Parents entitled to reimbursement for the costs of the unilateral placement of the Student at Eagle Hill School?

PROCEDURAL HISTORY:

The Parents filed the complaint for due process on October 29, 2014. A prehearing conference was held on November 20, 2014, from which the issues listed above were identified. An initial due process hearing was set for January 26, 2015, at which time the final decision and order date was extended to February 11, 2015. A hearing date of February 23, 2015 was set, however with the Parties requesting mediation, which was scheduled for March 4, 2015, the February 23, 2015 date was cancelled. A subsequent due process hearing was set for March 11, 2015. On March 9, 2015 the Parties notified the hearing officer that a settlement had been reached but needed to be memorialized and requested that the March 11, 2015 hearing be cancelled. On March 23, 2015, both Parties notified the hearing officer that the agreement had been memorialized and the Parents were withdrawing their request for due process, with prejudice.

FINAL DECISION AND ORDER:

With the withdrawal of the complaint by the Parents on March 23, 2015, and with no further issues to be decided, this 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print