

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on Behalf of the Parents: Courtney P. Spencer, Esq.
Klebanoff & Alfano, P.C.
433 South Main Street, Suite 102
West Hartford, CT 06110

Appearing on Behalf of the Board: Marsha Belman Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL ORDER AND DECISION

ISSUES:

1. Is the program offered by the Board for the 2004-2005 school years appropriate?
If not;
2. Is the program offered at Eagle Hill School in Greenwich, CT provide an appropriate education as defined in 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a? If yes,
3. Is the Board responsible for the residential portion of the cost of the educational placement?
4. Did the Parent provide the Board with proper notice of the unilateral placement?

SUMMARY and PROCEDURAL HISTORY:

The student is a 12 years and 8 months old young man who has been identified as Emotionally Disturbed and is entitled to receive a free appropriate public education as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parents rejected the 2004-2005 IEP and requested placement at Eagle Hill School in Greenwich, CT at the Board's expense and reimbursement for the placement at Eagle Hill School. The Board refused the Parent's request and the Parents requested a Due Process Hearing.

On January 19, 2005, a Hearing Officer was appointed, a pre-hearing conference was held on January 21, 2005 and agreed upon hearing dates of February 28 and March 14, 2005 were scheduled. The date for the final order and decision was extended at the

request of the Parents in order to allow time for negotiations and accommodate the parties for the hearing dates after the initial final order and decision date.

The Parent's attorney sent a letter to the hearing officer informing him that the matter had been settled and the due process request was withdrawn with prejudice.

The date for the Final Order and Decision was extended by the parties to April 14, 2005.

FINAL ORDER AND DECISION:

THE MATTER IS DISMISSED WITH PREJUDICE.