

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on Behalf of the Parents: Howard Klebanoff, Esq.
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Appearing on Behalf of the Board: Susan C. Freedman, Esq.
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One Constitution Plaza
Hartford, CT 06103

Appearing Before: Attorney Justino Rosado
Hearing Officer

ISSUES:

1. Is the program offered by the Board for the 2004-2005 school year, appropriate and provide the Student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
2. Is the program offered by the Board for the 2005-2006 school year, appropriate and provide the Student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
3. Does the program at Devereux-Glenholme offer the Student FAPE?
4. Does the Student require residential placement in order to receive FAPE?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 12 year and 3 months old young man who has been identified as Speech and Language Impaired and is entitled to receive a free and appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a December 9, 2004 PPT, the Parents rejected the program offered by the Board for the 2004-2005 school year and at a March 31, 2005 the Parents rejected the program offered by the Board for the 2005-2006 school year. The Parents requested that the Board pay for the Student's placement at Devereux-Glenholme School for the 2005-2006 school year. The Board denied the Parents' request and the Parents requested a due process hearing. The Board received

notice of the request for due process on or about May 30, 2006 and a resolution meeting was held by the parties on June 13, 2006.

On May 25, 2006 an impartial hearing officer was appointed. A pre-hearing conference was held on June 13, 2006 and a hearing date of July 14, 2006 was chosen by the parties. The parties advised the hearing officer that the matter had been settled and the parties needed time to memorialize the agreement. The parties having memorialized the agreement withdrew the matter with prejudice.

The decision and order date was extended in order to publish the agreement.

The date for the Final Decision and Order is November 3, 2006

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.