

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on Behalf of the Parents: Andrew A. Feinstein
Law Offices of David Shaw
34 Jerome Street, Ste. 210
Bloomfield CT 06002

Appearing on Behalf of the Board: Michelle C. Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. 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?
2. Is the Program offered by the Board for the 2006-2007 school year, appropriate and provide the student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq? If not;
3. Does the program offered at Eagle Hill-Southport offer the student FAPE in the Least Restrictive Environment (LRE)?
4. Should the Board be required to pay for the Student's unilateral placement at Eagle Hill-Southport for the 2005-2006 school year and placement at Eagle Hill for the 2006-2007 school year?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 10 years and 6 month young man who has been identified as Other Health Impaired (ADD) 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 an August 4, 2005 PPT, the Parents rejected the program offered by the Board for the 2005-2006 school year and unilaterally placed the Student in Eagle Hill-Southport. The Parents requested placement at Eagle Hill-Southport program for the 2005-2006 school year and reimbursement for the placement. The Board refused the Parents' request.

On or about August 21, 2006, the Board received notice of the Parents' request for due process and mediation was scheduled by the parties.

An impartial hearing officer was appointed on July 26, 2006 and a pre-hearing conference was held on August 11, 2006. Hearing dates of September 22, 2006 and October 30, 2006 were chosen by the parties. The parties requested the cancellation of the September 22, 2006 hearing date as the parties had come to an agreement and needed to clarify some issues.

In a letter dated October 31, 2006, the Parents' attorney informed the hearing officer that the matter was settled and the matter was withdrawn with prejudice.

At the request of the parties, in order to accommodate the filing of a final order and decision after the hearing dates, the date for the filing of the Final Order and Decision was extended.

The date for the Final Decision and Order is November 30, 2006.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.