

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parents: Atty. Andrew A. Feinstein, Attorney at Law, LLC,
86 Denison Avenue, Mystic, CT 06355

Appearing on behalf of the Darien Board of Education: Attys. Gwen Zittoun and
Andreana R. Bellach, Shipman & Goodwin, LLP, One Constitution Plaza, Hartford, CT
06103-1919

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Did the Board deny a free appropriate public education (FAPE) to the Student for the 2006-2007 school year?
2. Did the Board deny a FAPE to the Student for the 2007-2008 school year?
3. Did the Board offer a FAPE to the Student for the 2008-2009 school year?
4. If the Student was not offered a FAPE, is the Board financially responsible for reimbursing the Parents for the unilateral placement of the Student at the Villa Maria Education Center in September 2008?
5. Are the Parents entitled to compensatory education as a remedy for past deprivations of FAPE?

PROCEDURAL HISTORY

The Parents' attorney requested this hearing on October 8, 2008 by faxing a letter to the Board of Education and e-mailing a copy to the Board's attorney on that date. The State Department of Education ("SDE") received a copy of the letter on October 9. This Hearing Officer was assigned to the case on October 15. On October 29, a prehearing conference was held. The mailing date for the final decision was set at December 22, 2008. The Parties had agreed to mediation, which was anticipated to be scheduled in mid

to late November. Hearing dates were agreed on for December 2 and 9. On November 6, the SDE advised the Hearing Officer that the mediation was scheduled on November 24. On November 19, the Parents' attorney sent an e-mail to the Hearing Officer requesting a postponement of the December 2 hearing date because the parties were close to a settlement and wanted to avoid preparing exhibits for filing on November 25. On November 21, the Hearing Officer wrote to the parties advising them that she needed to postpone the December 9 hearing date as well. On November 26, the Parents' attorney advised the Hearing Officer that the Parties had entered into a settlement agreement and that the Parents wished to withdraw the hearing request with prejudice. Both hearing dates were canceled.

FINAL DECISION AND ORDER

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