

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Student: Attorney David C. Shaw  
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Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Susan Freedman  
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One Constitution Plaza  
Hartford, CT 06103-1919

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board's program for the Student for the 2007-08 school year was appropriate.
2. Whether the Board's program for the Student for the 2008-09 school year was appropriate.
3. Whether the Board's proposed program for the Student for the 2009-10 school year is appropriate.
4. Whether the Parents shall be reimbursed for the outside therapies, tutoring, educational programming and related transportations.
5. Whether the Parents shall be reimbursed for the outside evaluations of Miriam Cherkes-Julkowski, Ph.D.; Robert Kruger, Ph.D.; Joan Jalbert, M.S., ccc/slp; and Christine Robinson, M.Ed.
6. Whether the Student shall be placed in an out of district program.
7. Whether the Student is entitled to compensatory education.

**SUMMARY:**

The Board received this request for hearing on May 14, 2009 and a prehearing conference convened on May 28, 2009. At the prehearing conference, the parties requested that the hearing convene on July 14, 2009 and July 15, 2009.

The parties participated in a mediation of this case on June 23, 2009 and the Parents' attorney submitted notification on June 26, 2009 that the parties had reached an oral agreement and that they were attempting to reduce the agreement to writing. Based on this notification, the hearing officer sent Requests for Status to the parties on June 30, 2009 and July 7, 2009 to determine whether the parties had finalized the settlement. In response to this request for status, the parties requested that the hearing dates of July 14, 2009 and July 15, 2009 be cancelled so that the settlement could be finalized.

The hearing dates of July 14, 2009 and July 15, 2009 were cancelled, and the parties were instructed to submit notification regarding the status of the case on or before July 21, 2009. No notification was received. On July 22, 2009, the hearing officer submitted notification to the parties that the case would be scheduled for hearing on July 27, 2009 as the current mailing date of the decision was July 28, 2009. On July 23, 2009 the Board's attorney submitted a request that the hearing not convene on July 27, 2009 and the Parents' attorney submitted a request that the mailing date be extended. Those requests were granted, and the hearing was scheduled to convene on August 12, 2009.

On August 12, 2009, the Board representative was present at the hearing, but the Parents' attorney and Board's attorney were not present.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**.