

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on Behalf of the Parents: Attorney David A. Roche
154 East Avenue
Norwalk, CT 06851

Appearing on Behalf of the Board: Attorney Michelle C. Laubin
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 2009-2010 school year, appropriate and does it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2. Does the Program at Eagle Hill in Southport, CT provide the Student with FAPE in the LRE?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is 12 years old and has been identified as Other Health Impaired ADHD/ADD and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Educational Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the program offered by the Board for the 2009-2010 school year. The Parents requested placement at Eagle Hill in Southport, CT. The Board refused the Parent’s request. On or about June 30, 2009, the Board received notice of the Parent’s request for due process.

An impartial hearing officer was appointed on June 29, 2009 and a pre-hearing conference was held on July 10, 2009. A hearing date of August 21, 2009 was chosen by the parties. A resolution meeting was held on July 13, 2009. Mediation was held on August 17, 2009.

In a letter the parties requested that the hearing date be postponed for 30 days and the date for mailing of the Final Decision and Order be extended as the parties continued discussions in order to resolve the matter.

In a letter from the Parent’s attorney, the parties advised the hearing officer that the matter had been resolved and requested that the matter be withdrawn with prejudice. The date for the Final Decision and Order is October 29, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.