

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parents:

Attorney Melanie Dunn
Feinstein Education Law Group, LLC
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board:

Attorney Andreanna Bellach
Shipman & Goodwin, LLP
300 Atlantic Street
Stamford, CT 06901

Appearing before:

Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the District's proposed program for the 2015-2016 school year designed to provide Student with a Free Appropriate Public Education (FAPE)?
2. If the District's proposed program for the 2015-2016 year was not designed to provide Student with a FAPE, does Eagle Hill - Southport provide Student with an appropriate program, thereby entitling Parents to reimbursement for costs resulting from their unilateral placement of Student at that school?
3. Are Parents entitled to reimbursement of the reevaluation conducted at Parent's request to update a prior Neuropsychological Evaluation?

PROCEDURAL HISTORY AND SUMMARY:

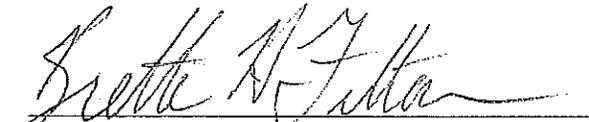
On October 1, 2015, the Board received a Special Education Due Process Hearing Request filed by Student and the Hearing Officer was appointed by the Connecticut State Department of Education on October 6, 2015. During the prehearing conference held on November 9, 2015, a hearing date of January 25, 2016 was set and the deadline for mailing the Final Decision and Order was established as December 15, 2015. The parties further indicated that they had agreed to engage in mediation with a scheduled mediation date of December 21, 2015. A joint request for extension of the mailing deadline was made during the prehearing conference in order to allow the parties to engage in mediation. This request was granted and resulted in a new mailing deadline of January 14, 2016. On December 29, 2015, Attorney for the Student requested an extension of the mailing deadline to accommodate the agreed upon hearing date schedule. There was no objection from the Board to this request. The request was granted and a new mailing deadline of February 12, 2016 was established. On January 22, 2016, Attorney for the Student sent an email to the Hearing Officer indicating that the Parents were withdrawing their hearing request without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Brette H. Fitton
Hearing Officer Name in Print