

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parents: Attorney Andrew A. Feinstein
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34 Jerome Avenue, Suite 210
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Michelle C. Laubin
Berchem, Moses and Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Heather A. Rodin
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

I. PARENTS ISSUES

Whether the Board provided a free appropriate public education (FAPE) in the least restrictive environment (LRE) during the 2002-2003 school year.

If the child did not receive FAPE in the LRE for any period of time when he was enrolled in the Board's program during the 2002-2003 school year, whether the child is entitled to compensatory education for any such period of time.

If the child did not receive FAPE in the LRE during the 2002-2003 school year, whether the program provided by the parents following their withdrawal of the child from the Board's program was appropriate and whether the parents are entitled to reimbursement for services they provided.

Whether the Board offered a program that would provide FAPE in the LRE for the 2003-2004 school year.

If the program offered by the Board for the 2003-2004 school year is not reasonably calculated to provide educational benefit, whether the parents are entitled to reimbursement for services they are providing.

II. BOARD ISSUES

Whether the parents unreasonably failed to make the child available for participation in the program being offered the child during the 2002-2003 and 2003-2004 school year

Whether the parents unreasonably withheld written consent to evaluations requested by the Board and recommended by the PPT in order to provide FAPE to the child in the LRE.

Whether the parents unreasonably failed to make themselves available to participate in PPT meetings during the 2002-2003 school year and the summer of 2003 for the purpose of planning and revising the child's education program.

PROCEDURAL HISTORY:

The pre-hearing conference was held on September 15, 2003. The Hearing convened on October 10, October 14, October 26, October 21, October 22, November 20, November 21, 2003 and January 20, 2004.

FINDING OF FACT:

The parties reached a final agreement on or before March 11, 2004. The parents, therefore requested permission to withdraw their Request for Due Process, with prejudice. Letter dated March 11, 2004 from the Parents' attorney. Here and now marked H.O. Exhibit 2.

CONCLUSION OF LAW:

There is no longer any issue before the Hearing Officer to adjudicate.

FINAL DECISION AND ORDER:

The Parents' request to withdraw their Request for Due Process with prejudice is hereby GRANTED.