

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on Behalf of the Parents: Attorney David Shaw  
Law Offices of David Shaw, LLC  
34 Jerome Street, Ste. 210  
Bloomfield CT 06002

Appearing on Behalf of the Board: Attorney Andreana Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Street  
Greenwich, CT 06901

Appearing Before: Attorney Justino Rosado, Hearing Officer

**FINAL ORDER AND DECISION**

**ISSUES:**

1. Was the program offered by the Board for the 2008-2009 school year appropriate and did it provide the Student with a free and appropriate education in the least restrictive environment?
2. Was the program offered by the Board for the 2009-2010 school year appropriate and did it provide the Student with a free and appropriate education in the least restrictive environment?
3. Was the program offered by the Board for the 2010-2011 school year appropriate and does it provide the Student with a free and appropriate education in the least restrictive environment? If not;
4. Is the unilateral placement at Eagle Hill appropriate and does it provide the Student with FAPE in the LRE?
5. Should the Board reimburse the Parent for their unilateral placement at Eagle Hill School for the 2009-2010 school year?
6. Should the Board reimburse the Parents for the evaluations of Dr. Cherkes-Julkowski, Shelly Lacey Castelot and Rhonda Caruso?
7. Should the Board reimburse the Parent for the ESY program for the summer 2009?
8. Should the Board reimburse the Parent for the ESY program for the summer 2010?
9. Is the Student entitled to compensatory education for the denial of FAPE for the 2008-2009 school year?
10. Is the Student entitled to compensatory education for the denial of FAPE for the 2009-2010 school year?
11. Did the Board commit any procedural violations?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education (“FAPE”) as defined in IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The Parent rejected the program offered by the Board for the 2010-2011 school year. The Parent requested that the Board reimburse the Parent for their unilateral placement of the Student at Eagle Hill School. The Board refused the Parent’s request.

On or about July 1, 2010, the Board received notice of the Parent's request for due process. The parties agreed to forego a resolution meeting and instead agreed to mediate the matter. Mediation was held on July 28, 2010. An impartial hearing officer was appointed on July 1, 2010 and a pre-hearing conference was held on July 13, 2010. Hearing dates of September 8, 2010 and September 9, 2010 were chosen by the parties.

On or about September 2, 2010, the Parent's attorney sent the hearing officer a letter withdrawing the request for due process with prejudice. There was no objection from the Board as the matter had been resolved in mediation. The date for the mailing of the Final Decision and Order is September 12, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**