

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent: Attorney Andrew Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, Ct 06355

Appearing on behalf of the Board: Attorney Andreana Bellach  
Shipman & Goodwin, LLP  
300 Atlantic Avenue  
Stamford, CT 06901

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the program proposed by the Board for the 2013-2014 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Is the unilateral placement of the Student at Cooke Center Academy for the 2013-2014 school year appropriate and does it provide a meaningful education?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2013-2014 school year. The Parents requested placement at Cooke Center Academy for the 2013-2014 school year. The Board refused the Parents' request.

On October 15, 2013, the Board received notice of the Parents' request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. An impartial hearing officer was appointed on October 17, 2013 and a pre-hearing conference was held on October 22, 2013. A hearing date of December 2, 2013 was chosen by the parties.

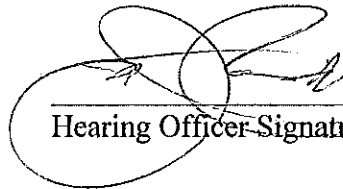
In an electronic transmission the parties requested cancelation of the hearing date because the matter had been resolved. Thee parties requested additional time in order to finalize an agreement. In an electronic transmission dated December 4, 2013, the parties advised the hearing officer that the agreement had been signed by all parties. The Parents' attorney withdrew the matter with prejudice. The date for the mailing of the Final Decision and Order is December 28, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**

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

Justino Rosado  
Hearing Officer Name in Print