

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Student: Attorney Jillian Griswold
Feinstein Education Law Group, LLC
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of the Board: Attorney Christopher Tracey
Shipman & Goodwin, LLP
300 Atlantic Street, 3rd Floor
Stamford, CT 06901-3522

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to provide Student with a Free Appropriate Public Education (“FAPE”) for that period of the 2014-2015 school year beginning on December 2, 2014 through the end of the academic year?
2. Did the District fail to offer Student a FAPE for the 2015-2016 school year?
3. If the District failed to offer Student a FAPE for the 2015-2016 school year, did the Windward School where Student was unilaterally placed by Parents provide Student with an appropriate program, thereby entitling Parents to reimbursement for tuition and related expenses?
4. Did the District fail to offer Student a FAPE for the 2016-2017 school year?
5. If the District failed to offer Student a FAPE, did the Windward School where Student was unilaterally placed by Parents provide Student with an appropriate program, thereby entitling Parents to reimbursement for tuition and related expenses?
6. Are Parents entitled to reimbursement for two privately obtained evaluations conducted by Dr. Tara Levinson in 2015 and 2016?
7. Are Parents entitled to reimbursement for the following privately obtained services:
 - a. Reading tutoring provided by Lauren O’Connor during the 2014-2015 school year;
 - b. Anxiety and fine motor therapy provided by Dr. Julia Trebling since February 2015;
 - c. Occupational therapy provided by Sheila Lesensky during that portion of the 2014-2015 school year beginning on September 2, 2014; and/or
 - d. Speech and language therapy with Dana Mattson during that portion of the 2014-2015 school year beginning on September 2, 2014 and during the 2015-2016 school year?

8. If the District committed a violation of the Individuals with Disabilities Education Act, is two years of compensatory education an appropriate remedy?

PROCEDURAL HISTORY AND SUMMARY:

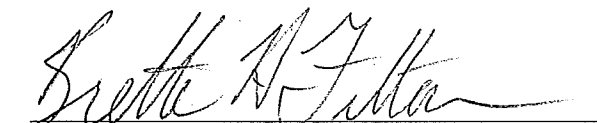
On December 2, 2016, the Board received a request for a special education due process hearing filed by Attorney for the Student. On December 5, 2016, the Connecticut State Department of Education appointed this Hearing Officer to preside over the matter. During the prehearing conference held on December 19, 2016, the parties agreed to set February 6, 2017 as the hearing date and the deadline for mailing the final decision and order was established as February 15, 2017. A request for postponement of the hearing dates was made by Attorney for the Parent on January 31, 2017. This request was denied and the hearing was opened on February 6, 2017. At that time Counsel indicated that there was an agreement in principal and Attorney for the Student requested that a second hearing date be set in the event the written agreement could not be finalized. There was no objection to this request by the Board. The parties agreed to set February 21, 2017 as the second hearing date and jointly requested an extension of the mailing deadline from February 15, 2017 to February 17, 2017 to allow for the drafting of the final order and decision. Attorney for the Student withdrew the request for a hearing with prejudice on February 10, 2017.

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