

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

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

Appearing on Behalf of the Board:           Attorney Michelle C. Laubin  
  Berchem, Moses & Devlin, P.C.  
  75 Broad Street  
  Milford, Ct 06460

Appearing Before:                               Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1.     Was the Program offered by the Board for the 2009-2010 school year, appropriate and provide the student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2.     Does the program at the Hyde School provide the Student with FAPE in the LRE?
3.     Should the Board reimburse the Parents for their unilateral placement of the Student at the Hyde School from December 5, 2009 to the end of the 2009-2010 school year?
4.     Should the Board reimburse the Parents for the cost of transporting the Student to the Hyde School?
5.     Is the Student entitled to Compensatory Education from the beginning of the 2009-2010 school year to December 5, 2009?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student is 16 years and 8 months old and has been identified as Other Health Impaired ADHD/ADD he is entitled to receive a free and appropriate public education (“FAPE”) as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. The parent’s rejected the program offered by the Board for the 2009-2010 school year. The Parents requested placement at the Hyde School. The Board refused the Parents’ request.

On or about February 18, 2010, the Board received notice of the Parents’ request for due process. The parties waived a resolution meeting and decided to go to mediation. Mediation was held on

March 26, 2010. An impartial hearing officer was appointed on February 18, 2010 and a pre-hearing conference was held on March 1, 2010. A hearing date of April 19, 2010 was chosen by the parties. At the April 19, 2010 hearing date the Parents' attorney withdrew the matter with prejudice.

At the request of the parties, in order to accommodate the mailing of a final decision and order after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for the Final Decision and Order is May 19, 2010.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**