

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Student: Attorney David Shaw  
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34 Jerome Avenue, Suite 210  
Bloomfield, CT 06002

Appearing on behalf of the Board: Attorney Susan Freedman  
Attorney Andreana Bellach  
Shipman & Goodwin LLC  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board developed an appropriate program for the Student for the 2008-09 school year.
2. Whether the Board developed an appropriate program for the Student for the 2009-10 school year.
3. Whether the Board developed an appropriate program for the Student for the 2010-11 school year.
4. Whether the Board committed procedural violations as outlined in the request for hearing which resulted in a denial of a free appropriate public education [FAPE] to the Student.
5. Whether the Parents' placement of the Student at Eagle Hill is appropriate and shall be reimbursed.
6. Whether the Parents shall be reimbursed for the Independent Educational Evaluation conducted by Miriam Cherkes-Julkowski.
7. Whether the Board's actions as outlined in the request for hearing were a denial of the Parents' procedural rights and retaliation against them for exercising their rights under IDEA and FERPA, denied the Student FAPE, and violated the rights of the Student and the Parents under IDEA, FERPA, the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. and §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.
8. Whether the Student is entitled to two full years of compensatory education.

**SUMMARY:**

The Board received the request for hearing on July 7, 2010 and a prehearing conference was convened on July 14, 2010. At the first hearing date, counsel for the Board reported that the case had settled. The settlement was confirmed by submission of a notice of settlement from the Parents' attorney. The case is dismissed with prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**, with prejudice.