

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Parent: Attorney David Shaw  
Law Offices of David Shaw, LLC  
34 Jerome Ave., Ste. 210  
Bloomfield, Ct 06002

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. Was the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Is the program offered by the Board for the 2013-2014 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
3. Should the Board authorize an independent consultant to develop and implement an individualized education program (IEP) for the Student?
4. Should the Board authorize the independent consultant to conduct a functional behavioral assessment (FBA) and develop a behavior plan (BIP) for the Student?
5. Should the Board implement the recommendations of the Student's independent educational evaluation conducted by the Dr. Cherkes-Julkowski and the Soifer Center?
6. Should the Board conduct independent educational evaluations in the area of physical therapy, occupational therapy and assistive technology by an evaluator acceptable to the Parents?
7. Should the Board pay for the independent educational evaluation conducted by Dr. Cherkes-Julkowski and the Soifer Center?
8. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Multiple Disabilities 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 the Villa Maria Educational Center for the 2013-2014 school year. The Board refused the Parents' request.

On August 21, 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 July 3, 2013 and a prehearing conference was held on August 27, 2013. A hearing date of October 11, 2013 was chosen by the parties.

At the due process hearing date, the Parents' attorney advised the hearing officer that the matter had been resolved and an agreement had been ratified. The Parents' attorney withdrew the matter with prejudice.

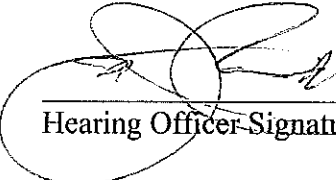
The date for mailing the Final Decision and Order is November 4, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN 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