

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Darien Board of Education

Appearing on behalf of the Student: Attorney Piper Paul
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District err when it exited student from Special Education in September of 2013?
2. Did the District fail to properly evaluate the Student in all areas of suspected disability?
3. Did the District fail to offer Student a program that would have provided Student with a Free Appropriate Public Education ("FAPE") for the 2013-2014 school year?
4. Did the District fail to offer Student a program that would have provided Student with a FAPE for the Extended School Year ("ESY") occurring in the summer of 2014?
5. Did the District fail to offer Student a program that would have provided Student with a FAPE for the 2014-2015 school year?
6. Did the District fail to offer Student a program that would have provided Student with a FAPE for the ESY occurring in the summer of 2015?
7. Did the District fail to offer an appropriate program for Student for the 2015-2016 school year?
8. If the District failed to offer Student an appropriate program for the 2015-2016 school year, does The Windward School provide Student with an appropriate program?
9. If the District has committed procedural and/or substantive violations of the Individuals with Disabilities Education Act, are the Parents entitled to reimbursement from the District for the costs of private evaluations, therapies and transportation to and from The Windward School?

PROCEDURAL HISTORY AND SUMMARY:

September 28, 2015, the Board received a Special Education Due Process Hearing Request ("Request") filed by Attorney for the Parents. The Hearing Officer was appointed on September 29, 2015. During the prehearing conference held on October 15, 2015, December 3, 2015,

November 23, 2015

Final Decision and Order 16-0173

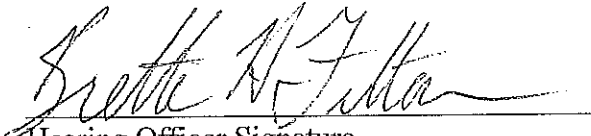
December 10, 2015 and December 21, 2015 were set as hearing dates and the deadline for mailing the Final Decision and Order was established as December 11, 2015. On November 15, 2015, Attorney for the Parents sent an email in which she indicated that the Request was being withdrawn. In a subsequent email sent on November 16, 2015, Attorney for Parents indicated that the Request was being withdrawn with prejudice.

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