

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent (Father): Atty. Andrew A. Feinstein, Attorney at Law, LLC, 86 Denison Avenue, Mystic, CT 06355

Appearing on behalf of the Westport Board of Education: Atty. Marsha Belman Moses, Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board provide a free appropriate public education (FAPE) to the Student for the 2006-2007 school year?

2. Did the Board offer a FAPE to the Student for the 2007 extended school year ("ESY")?

3. Did the Board offer a FAPE to the Student for the 2007-2008 school year, including the 2008 ESY?

3. Did the Board offer a FAPE to the Student for the 2008-2009 school year, including the 2009 ESY?

4. If the Student was not offered a FAPE, is the Board financially responsible for reimbursing the Parent for the unilateral placements of the Student at the Second Nature Wilderness Center during the summer of 2007, at Ironwood from August 17, 2007 through January 24, 2008 and at the Grove School from January 24, 2008 through the date of this hearing?

5. Does the Student require a residential therapeutic school for the 2008-2009 school year?

6. Is the Parent entitled to compensatory education of one additional year of services as a remedy for the Board's denial of FAPE during the 2006-2007 school year?

PROCEDURAL HISTORY:

The Parent's (Father's) attorney requested this hearing on August 7, 2008 by faxing a letter to the State Department of Education ("SDE"). The Board of Education and its attorney received a copy of the letter on that date. This Hearing Officer was assigned to the case on that date. On August 26, a prehearing conference was held. The mailing date for the final decision was set at October 21, 2008. The Parties agreed to mediation. The Board's attorney requested the opportunity to file a Motion to Strike, which was to be filed one week following the mediation. The Parent's attorney would have one week following the filing of the motion to respond. Hearing dates were agreed on for October 6 and 16. On August 28, the Hearing Officer notified the Parties' attorneys that she had another hearing scheduled on October 16 and offered several replacement dates. On September 12, the Board's attorney notified the Hearing Officer of two alternative dates agreed on by the Parties. A hearing was scheduled for October 6 and 20 and the mailing date for the final decision was extended to November 13, 2008. On September 26, the SDE advised the Hearing Officer that the Parties had not reached an agreement at the mediation and to proceed with the hearing. The hearing convened on October 6. The Parties requested time to discuss a possible settlement, which was granted. Additional time was allowed for the Student's mother to attend the hearing and for the Board's attorney to draft a settlement agreement. The Parties then reported on the record that the case was settled and that the Parent's attorney was withdrawing the hearing request with prejudice. The Hearing Officer asked the Parent's attorney to confirm this with a letter, which he did later in the day.

FINAL DECISION AND ORDER:

It is ordered that this case shall be dismissed with prejudice.