

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Jennifer D. Laviano, Esq.
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76 Route 37 South
Sherman, CT 06784

Appearing on Behalf of the Board: Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program and related services offered by the Board for the 2006-2007 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
2. Was the program and related services offered by the Board for the 2007-2008 appropriate and did it provide the Student with FAPE according to 20 USC 1401 et seq?
3. Is the program and related services offered by the Board for the 2008-2009 appropriate and does it provide the Student with FAPE according to 20 USC 1401 et seq?
4. Should the Board reimburse the Parents for the private speech and aqua-therapy services provided to the Student?
5. Should the Board reimburse the Parents for the evaluations obtained and the equipment purchased from the student?
6. Did the Board commit procedural violations that caused a denial of FAPE to the Student?
7. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 6 years old boy who has been identified with Autism and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the program offered by the Board for the 2008-2009 school year. The Parents

unilaterally placed the Student at A Child's Place preschool and requested that the Board pay for the unilateral placement. The Board refused the Parents' request.

On or about February 18, 2009, the Board received notice of the Parents' request for due process. The parties did not attend a resolution meeting and agreed to mediate the matter. An impartial hearing officer was appointed on February 18, 2009 and a pre-hearing conference was held and hearing dates were chosen by the parties. In an electronic transmission the Parents' attorney informed the hearing officer that the matter had been resolved and requested a withdrawal with prejudice.

At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing date, the date for the mailing of the Final Order and Decision was extended. The date for the mailing of the Final Order and Decision is June 26, 2009.

FINAL ORDER AND DECISION:

THE MATTER IS WITHDRAWN WITH PREJUDICE.