

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Nora A. Belanger  
Law Office of Nora A. Belanger  
10 Wall Street  
Norwalk, CT 06850

Appearing on behalf of the Board: Attorney 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 2007-2008 and the 2008 extended school year (“ESY”) given that the program did not provide the ABA services, intensive speech and language services, occupational therapy services, a sensory integration plan, a functional behavior assessment and behavior management plan, services in the home and properly trained and qualified staff requested by the Parents?
2. Did the Board provide a FAPE to the Student for the 2008-2009 school year and the 2009 ESY in that the program did not provide the services set forth in paragraph 1 requested by the Parents?
3. Did the Board provide or propose a FAPE to the Student for the 2009-2010 school year in that the program did not provide the services set forth in paragraph 1 requested by the Parents?
4. Did the Board commit any procedural violations?
5. Should the Board be required to reimburse the Parents for independent evaluations/consultations, ABA services at the Center for Growth and Development and speech and OT services at Connect-to-Talk during the 2008 ESY, the 2008-2009 and 2009-2010 school years and the 2009 ESY?
6. Are the Parents entitled to any compensatory education in the form of additional intensive services at the Center for Growth and Development and at Connect-to-Talk?

**PROCEDURAL HISTORY:**

The Parents' attorney mailed a letter to the State Department of Education ("SDE") on December 14, 2009 requesting a due process hearing. The Board received a copy of the letter on December 16, 2009. This Hearing Officer was assigned to the case on December 17, 2009. A prehearing conference was held on January 8, 2010. The attorneys agreed that mediation would be scheduled with the SDE. The mailing date for the final decision was set at March 1, 2010. Hearing dates were agreed on for February 5, 2010, February 17, 2010 and February 19, 2010. On January 12, 2010 the Board's attorney filed a joint request with the Parents' attorney to postpone all the hearing dates and for an extension of the mailing date for the final decision because the parties had a mediation scheduled on February 2, 2010 and were hopeful of settling the matter. The request was granted, the hearing was scheduled to convene on March 2, 2010 and the mailing date for the final decision was extended to March 26, 2010. On February 8, 2010, the SDE notified the Hearing Officer that the parties had reached an agreement at the February 2, 2010 mediation and that counsel would advise her of the status of the hearing request. On February 11, 2010, the Parents' attorney advised the Hearing Officer that the parties had reached a settlement and that the Parents were withdrawing the due process request with prejudice.

**FINAL DECISION AND ORDER:**

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