

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent: Attorney Meredith C. Braxton  
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Greenwich, CT 06830

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

Appearing before: Hearing Officer Elisabeth Borrino

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board failed to identify the Student as eligible for special education;
2. Whether the Board violated its obligations pursuant to "Child Find;"
3. Whether the Board failed to provide FAPE for school years 2008-2009 and 2009-2010;
4. Whether the Student should be placed at Eagle Hill;
5. Whether the Board should reimburse the Parents for the unilateral placement at Eagle Hill;
6. Whether the Board committed a procedural violation by requiring that a physician diagnose the Student in order to consider eligibility for special education, and neither arranging for nor paying for such an evaluation;
7. Whether the Board committed a procedural violation by not transmitting Prior Written Notice of the results of the May 20, 2009 PPT timely;
8. Whether the Student should receive compensatory education for the denial of FAPE for the 2008-2009 school term.

**SUMMARY:**

On January 29, 2010, the Board received the Request for Due Process. A Prehearing Conference was held on February 22, 2010. On March 15, 2010, Counsel for the Parents advised the Hearing Officer that the matter had been settled, withdrew the Request for Due Process, and requested that the matter be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED with prejudice.**