

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Westport Board of Education

Appearing on behalf of Student: Attorney Andrew Feinstein  
Attorney at Law, LLC  
86 Denison Avenue  
Mystic, CT 06355

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

Appearing before: Attorney Janis C. Jerman, Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by Student's Attorney via Letter dated August 5, 2010.<sup>1</sup> It was received by the Board of Education ("BOE") on August 5. The thirty-day resolution period ran through September 4 and the original deadline for mailing the final decision and order was October 20.

A pre-hearing conference was held on August 12. Attorney Feinstein appeared on behalf of Student and Attorney Moses appeared on behalf of the Board of Education. The following issues were identified:

1. Did the Board of Education provide a free appropriate public education for Student for the 2009-10 school year?
2. Did the Board of Education provide a free appropriate public education for Student for the 2010 extended school year?
3. Did the Board of Education propose a free appropriate public education for Student for the 2010-11 school year?
4. If the answer to issues one, two, or three is in the negative, is Marvelwood School an appropriate placement for Student?
5. If the answer to issue four is in the positive, should the Board of Education reimburse Student's Parents for costs incurred in connection with the placement at Marvelwood School?

On August 24, Student's Attorney filed a request to extend the mailing date in order to permit the parties to participate in mediation on September 21 prior to beginning hearings. After fully considering the

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<sup>1</sup> All dates are 2010 unless otherwise indicated.

positions of the parties, the request for a 30-day extension of the mailing date was granted and the deadline to mail the final decision and order was extended to November 19. The hearing was scheduled to convene on October 22, 25, and 26.

The parties participated in mediation on September 21. The parties reached an agreement in principle at mediation. On October 18, Student's Attorney requested that the hearings be postponed to permit the parties to finalize a written settlement agreement. After fully considering the positions of the parties, the request was granted.

On November 9, Student's Attorney indicated in writing that the parties had signed a settlement agreement and requested that the case be withdrawn with prejudice.

### **FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is hereby dismissed with prejudice.