

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Student:

Parents, pro se

Appearing on behalf of the Board:

Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's proposed program for the Student for summer 2013 and the 2013-14 school year is appropriate;
2. If not, whether the Parents' unilateral placement of the Student at Easton Country Day School for summer 2013 and the 2013-14 school year is appropriate and shall be reimbursed.

PROCEDURAL HISTORY/DISCUSSION:

The Board received this request for hearing on September 19, 2013 and a prehearing conference convened on September 23, 2013. At the prehearing conference the parties stated that they agreed to mediation, and the mediation was tentatively scheduled for October 9, 2013. The parties agreed to a November 14, 2013 hearing date, which was scheduled in accordance with the parties' request. At the time of the prehearing conference, the Parents were represented by an attorney. Prior to the November 14, 2013 hearing date, the Board's attorney submitted a joint request from the Board and the Parents' attorney that the hearing date be postponed and that the parties be granted a 30 day extension of the mailing date of the decision so that the parties would have time to finalize a settlement agreement. The hearing was postponed to December 9, 2013 at the request of both parties.

On December 2, 2013 the Parents' attorney submitted a request for postponement of the December 6, 2013 hearing date so that the parties could finalize the settlement agreement. In accordance with Section 10-76h-9 of the Regs. Conn. Agencies, this request was denied. The regulation provides that the hearing officer shall not have the authority to grant any further postponements or extensions for continued settlement discussions after the first such extension is granted.

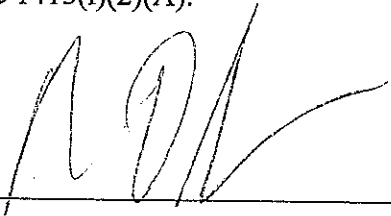
On December 3, 2013 the Parents' attorney submitted a notice of Termination of Representation in which it was noted that the attorney no longer represents the Student and the Parents in this matter. On December 9, 2013 the hearing convened. At the hearing the Parents and the Board's Attorney were present. The Parents stated on the record that they had come to an agreement with the Board and that they were now withdrawing their request for hearing with prejudice. The Parents stated that they were voluntarily entering into this agreement with the Board and affirmed that they understood the agreement and were proceeding without an attorney. Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Attorney Mary Elizabeth Oppenheim
Hearing Officer