

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent: Attorney Jennifer Laviano  
The Law Offices of Jennifer Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

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

Appearing before: Robert L. Skelley, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Westport Board of Education (“Board”) fail to provide the Student with a free and appropriate public education (“FAPE”) for the time periods encompassing 07/2012; 2012-2013; 2013-2014 school years, inclusive of extended school year (“ESY”) time periods?
2. Did the Board deny the Student a FAPE by the unilateral change of the Student’s special education classification from Hearing Impairment to Emotional Disturbance?
3. Are the Parents entitled to reimbursement for the costs associated with the Parent’s unilateral placement of the Student at the Grove School?
4. Are the Parents entitled to reimbursement for the costs of clinical and psycho-educational evaluations that the Parents had completed on the Student?

**PROCEDURAL HISTORY:**

The Parents of the Student filed this complaint on July 29, 2014. A prehearing conference was held on September 5, 2014, from which the issues listed above were identified. The initial due process hearing was set for November 4, 2014. The Parties agreed to participate in mediation, which was held on September 18, 2014. The final decision and order date was extended to November 14, 2014 to allow for mediation to occur. The Parties were successful with mediation and on October 31, 2014, Counsel for the Parents withdrew the complaint with prejudice.

**FINAL DECISION AND ORDER:**

The Parents, through counsel, have requested that this matter be withdrawn. With no further issues to be decided, this matter is DISMISSED WITH PREJUDICE.

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).

  
Hearing Officer Signature

Robert L. Skelley, Esq.

\_\_\_\_\_  
Hearing Officer                  Name in Print