

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent: Gerry McMahon, Esq.  
Law Offices of Gerry McMahon, LLC  
98 Mill Plain Road, Ste. 3B  
Danbury, CT 06811

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

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Was the program provided by the Board during the summer of 2012-2013 appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the unilateral placement of the Student at Greenwood School in Putney, Vermont for the 2012-2013 school year appropriate and did it provide a meaningful education?
3. Should the Board reimburse the Parents for the cost of the unilateral placement at Greenwood School in Putney, Vermont for the 2012-2013 school year?
4. Is the Student entitled to Compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Specific Learning Disability and is entitled to receive FAPE as defined in IDEA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents were in disagreement with the program provided by the Board for the 2012-2013 school year. The Parents' requested

placement at Greenwood School in Putney, Vermont. The Board refused the Parents' request and the Parents filed for due process.

On September 2, 2014, the Board received notice of the Parents' request for due process. The Parents' agreed to waive a resolution meeting in lieu of mediation. Mediation was scheduled for October 23, 2014.

An impartial hearing officer was appointed on September 3, 2014 and a pre-hearing conference was held on September 11, 2014. A hearing date of October 31, 2014 was chosen by the parties.

In an electronic transmission dated October 8, 2014, the Students' attorney requested a cancelation of the hearing date to accommodate the mediation. The hearing date was cancelled.

The parties were not able to resolve the matter and agreed to proceed to a hearing on December 5, 2014.

At the December 5, 2014 hearing date, the parties were able to resolve the matter. The Parents' attorney withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the mediation and hearing date. The date for mailing the Final Decision and Order is December 12, 2014.

**FINAL DECISION AND ORDER:**

**THE 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

Justino Rosado  
Hearing Officer Name in Print