

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Piper A. Paul
Law Office of Piper A. Paul, LLC
Of Counsel Goldman, Gruder & Woods
P.O. Box 126
Westport, CT 06881

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

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board violate child fine by not identifying the Student as requiring special education and related services in a timely manner?
2. Was the program offered by the Board for the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Was the program offered by the Board for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
4. Is the unilateral placement of the Student at Winston Preparatory School, for the 2014-2015 school year, appropriate and does it provide the Student a meaningful education?
5. Does the Student require an extended school year (ESY) for the 2014-2015 school year in order to receive FAPE?
6. Should the Board reimburse the Student for his unilateral placement at Winston Preparatory School for the 2014-2015 school year?
7. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (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 rejected the program offered by the Board for the 2014-2015 school year. The Parents requested placement at Winston Preparatory School for the 2014-2015 school year. The Board refused the Parents request. On September 19, 2014, the Board received notice of the Parents request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was October 2, 2014; the mediation was not successful.

December 22, 2014

Final Decision and Order Case No. 15-0155

An impartial hearing officer was appointed on September 19, 2014 and a pre-hearing conference was held on October 6, 2014. Hearing dates of November 21, 24 and December 3, 2014 were chosen by the parties. In an electronic transmission dated November 20, 2014, the parties requested that the hearing officer cancel the hearing dates in order to give the parties time to memorialize an agreement. The request to cancel the hearing dates was granted. In an electronic transmission dated December 1, 2014, the parties informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice.

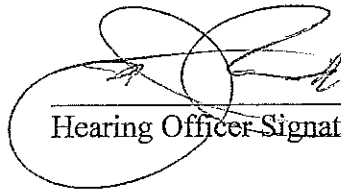
The date for mailing the Final Decision and Order is January 2, 2015.

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