

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

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

Appearing on behalf of the Board: Attorney Michelle Laubin  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06457

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District deny Student a Free Appropriate Public Education ("FAPE") for the 2014-2015 school year?
2. Did the District deny Student a FAPE for the 2015-2016 school year?
3. If the District denied Student a FAPE for the 2014-2015 and 2015-2016 school year, are Parents entitled to reimbursement for any and all services Parent's paid for during the period FAPE was denied?
4. If Student was denied a FAPE, is Student entitled to compensatory education?
5. Was the proposed Individualized Education Program ("IEP") for the 2016-2017 school year appropriate?
6. If the District's IEP for the 2016-2017 school year is not appropriate, should the Student be placed as a residential student at The Academy of Solstice through her IEP?
7. Did the Parents fail to provide notice of their intent to unilaterally place Student at New Vision Wilderness Program, thereby relieving the District of the obligation to reimburse the Parents for the costs of this program?

**PROCEDURAL HISTORY AND SUMMARY:**

On June 20, 2016, the Board received a request for a special education due process hearing that was filed by Attorney for the Student and the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the due process hearing. During the prehearing conference held on June 27, 2016, hearing dates of September 7, 2016 and September 13, 2016 were scheduled and the deadline for mailing the final decision and order was established as September 2, 2016. During the prehearing conference, the parties jointly requested a thirty day extension of the mailing deadline in order to allow the parties time to engage in

September 9, 2016

Final Decision and Order 16-0618

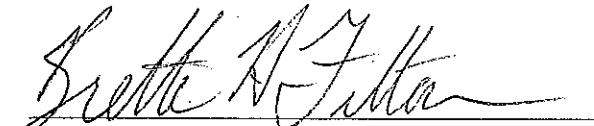
mediation. This request was granted and the mailing deadline was extended to September 30, 2016. On September 8, 2016, Parents withdrew the request for a special education hearing without prejudice.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case 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).

  
Hearing Officer Signature

Brette H. Fitton  
Hearing Officer      Name in Print