

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent: Attorney Philip Cohn
Goldman Gruder and Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

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

Appearing before: Laura Share, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to meet its obligations under Child Find pursuant to 20 USC §1412(a)(3) and R.S.C.A. §10-76d-7?
2. If the Board failed to meet its obligations under Child Find pursuant to 20 USC §1412(a)(3) and R.S.C.A. §10-76d-7, what is the appropriate remedy?
3. Did the Board fail to provide the Student with FAPE during the 2016-2017, 2017-2018, and 2018-2019 school years, and extended school year periods?
4. If the Board did not offer an appropriate program for the 2016-2017, 2017-2018, and 2018-2019 school years, and extended school year periods, is placement at Lake House Academy an appropriate program for the Student and should the Board be ordered to reimburse the Parents for the cost of Lake House Academy from October 4, 2018, through the end of the 2018-2019 school year, including the extended school year period and related expenses and appropriate costs?
5. If the Board did not offer an appropriate program for the 2016-2017, 2017-2018, and 2018-2019 school years, and extended school year periods, should the Board reimburse the Parents for all educational costs incurred due to the District's denial of FAPE for all relevant periods, including but not limited to:
 - a. The cost of the psychological evaluation by Saasha Sutera, Ph.D.;
 - b. The cost of an educational consultant required to both advocate for the Student and find programs to meet the Student's unique needs in a timely manner;
 - c. The cost for therapies, not covered by insurance;
 - d. The cost of travel for the Student and her Parents to and from the unilateral placement.

PROCEDURAL HISTORY/SUMMARY:

The Student initiated this special education due process case on 11/9/18. This Impartial Hearing Officer was assigned to this case on 11/14/18. A Prehearing Conference was convened on 11/29/18. Attorney Cohn appeared on behalf of the Student and Attorney Laubin appeared on behalf of the Board of Education. It was established that the deadline for filing the final decision in this case was 1/23/19, and an evidentiary hearing was scheduled for said date.

On 1/21/19, Attorney Cohn requested a postponement of the first day of hearing scheduled for 1/23/19 and an extension of the mailing date to accommodate settlement negotiations. The purpose of the requested postponement and extension was to allow the parties time for settlement negotiations, and said requests were granted on 1/21/19.

On 1/31/19, Attorney Cohn reported to the Hearing Officer that he would like to withdraw the subject due process complaint with prejudice since the parties finalized a settlement agreement.

ORDER:

The matter is **DISMISSED** with prejudice.