

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parent: Pro Se

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the program offered by the Board for the 2010-2011 school year appropriate and does it provide the Student with a free and appropriate public education in the least restrictive environment? If not;
2. Should the Board provide the Student with an additional 120-160 hours of Lindamood-Bell and a one on one reading specialist in the resource room who is trained in Lindamood-Bell?
3. Should the Board reimburse the Parent for the 240 hours of Lindamood-Bell provided to the Student?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired and is entitled to receive a free and appropriate public education ("FAPE") as defined in IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent rejected the program offered by the Board for the 2010-2011 school year. The Parent requested an additional 120-160 hours of Lindamood-Bell. The Board refused the Parent's request.

On or about October 19, 2010, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. Mediation was held on November 29, 2010. An impartial hearing officer was appointed on October 18, 2010 and a pre-hearing conference was held on October 27, 2010. A hearing date of November 29, 2010 was chosen by the parties. The hearing date was cancelled to allow the parties to mediate the matter.

In an electronic transmission, the Parent advised the hearing officer that the parties were not able to resolve the matter in mediation and requested to withdraw the due process request without prejudice. There was no objection by the Board. The date for mailing the Final Decision and Order is December 27, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.