

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Michael Perzin, Esq.
Law Offices of Yolen and Perzin, L.L.C.
700 State Street
New Haven, CT 06511

Appearing on Behalf of the Board: Michelle C. Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment. If not;
2. Does the program at Middlebridge School provide the Student with FAPE in the LRE?
3. Should the Board reimburse the Parents for their unilateral placement of the Student at Middlebridge School from September 7, 2010?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with a Specific Learning Disability and is entitled to receive a free and appropriate public education ("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. At a PPT meeting, the Parents rejected the program offered by the Board for the 2010-2011 school year. The Parents requested placement at Middlebridge School. The Board refused the Parents' request.

On or about June 7, 2011, the Board received notice of the Parents' request for a due process hearing. The parties agreed to go to mediation in place of a resolution meeting. An impartial hearing officer was appointed on June 7, 2011 and a pre-hearing conference was held on June 20, 2011. A hearing date of July 28, 2011 was chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that additional time was needed to formalize the agreement. On August 17, 2011, the Parents' attorney informed the hearing officer that the agreement had been ratified and that they were withdrawing the matter with prejudice.

The date for mailing the Final Decision and Order is August 21, 2011, a Sunday; therefore the mailing of the Final Decision and Order may occur on the next business day, August 22, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.