

August 25, 2011

Final Decision and Order 11-0513

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents:

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Boston, MA 02199

Appearing on Behalf of the Board:

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Appearing Before:

Attorney Justino Rosado,
Hearing Officer

ISSUES:

1. Was the program offered by the Board for the 2011-2012 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 Eagle Hill School provide the Student with FAPE in the LRE?
3. Should the Board be responsible for the payment for the placement of the Student at Eagle Hill School?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been as 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 2011-2012 school year. The Parents requested placement at Eagle Hill School. The Board refused the Parents' request.

On or about June 16, 2011, the Board received notice of the Parents' request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session occurred on August 2, 2011.

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An impartial hearing officer was appointed on June 17, 2011 and a pre-hearing conference was held on June 24, 2011. Hearing dates of August 9 and 16, 2011 were chosen by the parties.

On August 3, 2011, 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matter in mediation and that additional time was needed to formalize the agreement at which time the matter would be withdrawn. On August 22, 2011, the Parents' attorney informed the hearing officer that the matter may be dismissed.

The date for mailing the Final Decision and Order is August 29, 2011.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED.