

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Phillip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854
pcohn@goldmangruderwoods.com

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460
mmoses@bmdlaw.com

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board fail to provide Student with a Free Appropriate Public Education in the Least Restrictive Environment for the 2012-2013 school year?
2. Did the Board fail to provide Student with a Free Appropriate Public Education in the Least Restrictive Environment for 2013 Extended School Year?
3. Does the Board's program for the 2013-2014 school year provide Student with a Free Appropriate Public Education in the Least Restrictive Environment?
4. Is the Student entitled to compensatory education as a result of a denial of Free Appropriate Public Education in the Least Restrictive Environment?
5. If the Board's program for the 2013-2014 academic year does not provide the Student with a Free Appropriate Public Education is a therapeutic residential school the appropriate placement for the Student?
6. Is the psychiatric evaluation conducted on February 28, 2013 at the request of the Board appropriate?

PROCEDURAL HISTORY AND SUMMARY:

On August 6, 2013, the Westport Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on August 8, 2013. Prehearing telephone conferences were held on August 23, 2013 and September 13, 2013. Hearing dates were set for September 20, 2013 and October 4, 2013 and October 11, 2013 and the deadline for the mailing of the final decision and order was established as October 20, 2013. On September 9, 2013, Board filed a Request for Special Education Due Process Hearing which was assigned to Hearing Officer Oppenheim with the case number 14-0161. Consolidation of

October 18, 2013

Final Decision and Order 14-0094/14-0161

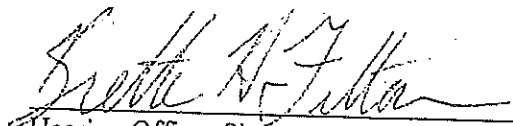
14-0161 with 14-0094 was granted by Hearing Officer Oppenheim on September 17, 2013. On September 9, 2013, Attorney for the Parents filed a Motion for Summary Judgment. The hearing commenced on September 20, 2013. The filing of the Board's complaint moved the mailing deadline to November 23, 2013. On this first hearing date the parties presented legal argument on Parents' Motion for Summary Judgment. A ruling denying the Motion for Summary Judgment was issued on October 4, 2013. The hearing recommenced on October 11, 2013. During this second day of hearing, Attorney for the Parents announced that the matter had settled and that Parents' Request for Special Education Due Process Hearing was withdrawn on the record. On October 14, 2013, Attorney for the Board withdrew the Board's Request for Special Education Due Process Hearing in writing.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed with prejudice.

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