

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

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

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2012-2013 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board, for the 2013-2014 school year, appropriate and did it provide the Student with FAPE) in the LRE?
3. Is the program offered by the Board, for the 2014-2015 school year, appropriate and does it provide the Student with FAPE) in the LRE? If not;
4. Is the program at Eagle Hill in Southport, Connecticut for the 2014-2015 school year appropriate and does it provide the Student with a meaningful education?
5. Should the Board reimburse the Parents for their unilateral placement of the Student at Eagle Hill for the 2014-2015 school year?
6. Should the Board reimburse the Parents for the Student's independent educational evaluation performed by Dr. Stacy Aronson?
7. Did the Board commit procedural violations in not evaluating the Student in all suspected areas of his disability and not allowing the Parents to be meaning participants at the Planning and Placement Team such that a denial of FAPE occurred?
8. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Speech and Language Disabilities and is entitled to receive 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 et seq.

December 19, 2014

Final Decision and Order Case No. 15-0186

At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2014-2015 school year. The Parents requested placement at Eagle Hill in Southport, CT for the 2014-2015 school year. The Board refused the Parents request. On October 7, 2014, the Board received notice of the Parents request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was November 17, 2014.

An impartial hearing officer was appointed on October 8, 2014 and a pre-hearing conference was held on October 13, 2014. Hearing date of December 9, 2014 was chosen by the parties. In an electronic transmission, the parties requested that the hearing officer cancel the December 9, 2014 hearing date in order to give the parties time to memorialize an agreement. The request to cancel the hearing date was granted. In an electronic transmission dated December 8, 2014, the parties informed the hearing officer that the matter had been resolved. The Parents' attorney withdrew the matter with prejudice.

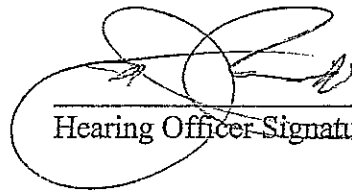
The date for mailing the Final Decision and Order is December 19, 2014.

FINAL DECISION AND ORDER:

THE MATTER 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

Justino Rosado
Hearing Officer Name in Print