

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education
Westport Board of Education v. Student

Appearing on behalf of the Parents: Attorney Piper Paul
Law Offices of Piper Paul, LLC
P. O. Box 126
Westport, CT 06881

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 comprehensive psychiatric evaluation performed by the Board appropriate? If not;
2. Is the Student entitled to an Independent Educational Evaluation (IEE) at public expense?
3. Is the District's proposed placement at Cooperative Educational Services (CES) appropriate and does it provide the Student with a Free and Appropriate Public Education (FAPE) in the least restrictive environment (LRE)? If not;
4. Should the Student remain at Coleytown Elementary School to receive FAPE in the LRE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive FAPE as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected PPT placement of the Student at CES and requested continued placement at Coleytown Elementary School; the Board refused the Parents' request. On February 13, 2017, the Board received notice of Parents' request for due process (Case No. 17-0346). Hearing Officer Fitton was appointed on February 21, 2017 and a pre-hearing conference was held on March 2, 2017. On March 13, 2017, the Board filed a due process hearing request (17-0387) in response to the Parents' request for an IEE. By agreement of the two hearing officers, the cases were consolidated under the current hearing officer who convened a prehearing conference on March 29, 2017. In an electronic transmission, the Parents' attorney informed the hearing officer that the parties had resolved all issues and requested a withdrawal of the consolidated matter with prejudice. The date for the mailing of the Final Decision and Order was extended to September 18, 2017 to accommodate mediation.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.