

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student and Westport Board of Education

Appearing on behalf of the Student: Attorney Courtney Spencer  
Law Office of Courtney Spencer LLC  
100 Riverview Center, Suite 120  
Middletown, Ct 06457

Appearing on behalf of the Board of Education: Attorney Marsha Moses  
Berchem, Moses & Devlin  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board offer an appropriate program for the 2015-16, 2016-17 and 2017-18 school years, including the 2016 and 2017 extended school years?
  - a. If not, is Winston Preparatory appropriate for the Student?
  - b. If Winston Preparatory is appropriate for the student, should the Student be placed there for the 2017-2018 School Year?
2. If the Board did not offer an appropriate program, is the Student entitled to compensatory education?

**PROCEDURAL HISTORY:**

The Student initiated this special education due process case on September 6, 2017. This Impartial Hearing Officer was assigned to the case on September 8, 2017. A Prehearing Conference was convened on October 4, 2017. Attorney Courtney Spencer appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. It was established that the initial deadline for filing the final decision in this case was November 20, 2017. An evidentiary hearing was scheduled for December 13, 2017.

On November 14, 2017 the Student requested a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case. The purpose of the requested postponement and extension was to accommodate the hearing schedule. The Student certified that the request would not cause educational harm to the child or financial or other harm to the parties. The Board of Education agreed to the requested postponement and it was granted.

On December 1, 2017, the Student reported that the parties had reached an agreement for resolution of the case and requested cancellation of the December 13, 2017 hearing. The Board was in agreement and the hearing was cancelled.

On December 14, 2017, the Student requested a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case. The purpose of the requested postponement and extension was to accommodate the hearing schedule in light of the parties' pending expected settlement. The Board did not object and the request was granted.

On January 16, 2018, the Student requested another thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case. The purpose of the requested postponement and extension was to accommodate the hearing schedule in light of the parties' pending expected settlement. The request was unopposed and it was granted.

On February 13, 2018, the Student requested another thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to March 2, 2018. The purpose of the requested postponement and extension was to accommodate the hearing schedule in light of the parties' pending expected settlement. The request was unopposed and a final extension of the timelines was granted.

On February 26, 2018, the parties were reminded that the deadline for filing the final decision and order was approaching at the end of the week. On March 1, 2018, the Student requested dismissal of the matter.

**FINAL DECISION AND ORDER:**

It is ordered that the matter is dismissed.