

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student v. Westport Board of Education¹

Appearing on behalf of Student:

Attorney Meredith Braxton
Meredith Braxton, Esq. LLC
280 Railroad Avenue, Suite 205
Greenwich, CT 06830

Appearing on behalf of the Board of Education:

Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Connecticut 06460

Appearing before:

Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated November 15, 2017.² It was received by Board of Education ("BOE") on November 15, 2017. The 30-day resolution period ended December 15, 2017. The original deadline to mail the final decision and order was January 29. A telephonic pre-hearing conference was held on December 4, 2017. Attorney Braxton appeared on behalf of Student and Attorney Moses appeared on behalf of BOE.

The following issues were identified:

1. Did the Board of Education offer Student a free appropriate public education for the 2017-18 school year?
2. If the answer to Issue 1 is in the negative, is Middlebridge School an appropriate placement for Student?
3. If the answer to Issue 2 is in the affirmative, is Student entitled to reimbursement for tuition?

Via email dated December 4, Student's Attorney requested a 30-day extension of the deadline to mail the final decision and order to accommodate hearings being scheduled following

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2018 unless otherwise indicated.

the January 24 mediation. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until February 28.

Hearings were scheduled for February 5 and February 12. On January 25, Student's Attorney indicated that the parties came to an agreement at their January 24 mediation and that they needed to reduce the agreement to writing. Student's Attorney requested that the February 5 hearing be cancelled so that the parties did not need to prepare exhibits while executing an agreement. The request was granted and the February 5 hearing was cancelled. The February 12 hearing remained scheduled.

On February 6, Student's Attorney requested that the February 12 hearing be cancelled and rescheduled as soon as possible. Student's Attorney represented that the parties are close but not quite in complete agreement on the specific terms of the written agreement. Student's Attorney also requested a 30-day extension of the deadline to mail the final decision and order to accommodate rescheduling the hearing. After fully considering the positions of the parties, the requests were granted. The February 12 hearing was rescheduled to February 23 and the deadline to mail the final decision and order was extended to March 30.

On February 12, Student's Attorney indicated that the parties had fully executed a settlement agreement and that Student's Parents withdraw their request for Due Process with prejudice.

FINAL DECISION AND ORDER

Based on the above facts, the case is dismissed with prejudice.