

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent:

Piper Paul, Esq.
Piper Paul Law, LLC
1465 Post Road East, #100
Westport, CT 06880

Appearing on behalf of the District:

Marsha Moses, Esq.
Berchem Moses, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Patrick L. Kennedy, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District deny FAPE to the Student by failing to offer her an appropriate program for the portion of the 2017-18 school year within the two-year period preceding the filing of this hearing request?
2. Did the District deny FAPE to the Student by failing to offer her an appropriate program for the 2018-19 school year?
3. Did the District deny FAPE to the Student by failing to offer her an appropriate program for the 2019-20 school year?
4. If the District has failed to provide FAPE to the Student, does the Fusion Academy provide an appropriate program for the Student?
5. If the District has failed to provide FAPE to the Student and Fusion Academy is an appropriate program, should the District be ordered to reimburse the Parent for costs of attendance at that school?
6. If the District has failed to provide FAPE to the Student, should any other relief be ordered?

SUMMARY AND PROCEDURAL HISTORY:

Case 20-0417 was commenced by the Parents by request received by the District on April 10, 2020. The matter was assigned to Hearing Officer Melinda Powell. A prehearing conference was not immediately held. In response to a motion for recusal filed by the Parents, Hearing Officer Powell recused herself on June 29, 2020 and the case was assigned to the undersigned.

A prehearing conference was held on July 9, 2020. At the prehearing conference, the decision date was determined to be June 24, 2020. The parties waived the issue that the decision date had run and the date was retroactively extended to September 22, 2020. The date was ultimately extended to November 20, 2020. At the conference, a hearing date was set for August 24, 2020 but that hearing was later cancelled.

On November 12, 2020, the undersigned hearing officer was advised by the attorney for the Parents that the parties had reached a resolution and that the matter was being withdrawn with prejudice.

FINAL DECISION AND ORDER:

The matter is dismissed with prejudice.