

**STATE OF CONNECTICUT**  
**DEPARTMENT OF EDUCATION**

Student v. Weston Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon  
Law Offices of Gerry McMahon, LLC  
98 Mill Plain road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of Weston BOE: Attorney Marsha Moses  
Berchem Moses, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before: Melinda A. Powell, Esq.

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board fail to offer the Student a free appropriate public education (FAPE) for the 2020-2021 School Year, including ESY by:
  - a. failing to develop and provide a Language Communication Plan for the current school year? and/ or
  - b. failing to plan or conduct any assessments or evaluations of any kind to prepare for the Student's 2020-2021 School Year after the Student's year out of district at a State Approved Private Special Education Program?
2. Did the Board commit any procedural violation of the IDEA by:
  - a. failing to invite an audiologist or teacher of the hearing impaired to the Student's PPT meeting in violation of State laws and regulations? and/ or
  - b. failing to timely produce their Student's education records?
3. Did any procedural violations rise to the level of a denial of FAPE?
4. Should the Board be required to reimburse the Parents for tuition and related expenses for the Student's placement at Winston Preparatory School in Norwalk, CT for the 2020-2021 school year including ESY?

**PROCEDURAL HISTORY/SUMMARY:**

The Parents filed their Due Process Complaint and Request for Hearing on September 1, 2020. The Hearing Officer was appointed on September 10, 2020. A Prehearing Conference was noticed for

April 15, 2021

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and held on October 21, 2020. On November 25, 2020, via email, the Attorney for the parents withdrew their request for a Due Process Hearing based on the settlement of this matter and requested that it be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

In light of the above, the matter is **DISMISSED**.