

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Westport Board of Education

Appearing on behalf of Student: Attorney Lawrence Berliner
Law Office of Lawrence Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06680

Appearing on behalf of the Board of Education: Attorney Marsha Moses
Berchem Moses PC
75 Broad Street
Milford, CT 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 January 19, 2021.² The Board of Education ("BOE") received it on January 20. The 30-day resolution period ended February 19 and the 45-day deadline to mail the final decision and order is April 5.

A telephonic pre-hearing conference was held on February 2. Attorney Berliner appeared on behalf of Student and Attorney Moses appeared on behalf of BOE. The following issues were identified:

1. Did the Board of Education timely evaluate Student to determine eligibility for special education and related services during the 2019-20 and/or 2020-21 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2019-20 school year?
3. Did the Board of Education provide Student with a free appropriate public education during the 2020-21 school year?
4. If the answer to Issue Two or Three above is in the negative, is Eagle Hill School an appropriate placement for Student?
5. If the answer to Issue Four above is affirmative, are Student's Parents entitled to reimbursement for Student's tuition, transportation, and/or related costs at Eagle Hill School?
6. If the answer to any of the Issues One, Two, or Three above is in the negative, what shall be the remedy?

¹ 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 2021 unless otherwise indicated.

The parties participated in a resolution session on February 10. Hearing was scheduled for March 2.

On February 21, Student's Attorney requested a 30-day postponement of the scheduled hearing to permit the parties to conclude their settlement efforts and for BOE's Attorney to draft a settlement agreement. After considering the parties' positions, the request was granted and the hearing was rescheduled to April 1.

On March 31, Student's Attorney indicated that the parties finalized their settlement agreement and requested to withdraw the due process request with prejudice.

FINAL DECISION AND ORDER

The above-captioned case is dismissed with prejudice.