

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Jennifer D. Laviano, Esq.
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Marsha Moses, Esq.
Berchem, Moses & Devlin, P.C
75 Broad Street
Milford, CT 06460

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program provided by the Board including extended school day (ESD) from January 27, 2014 until the end of the 2013-2014 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board including extended school year (ESY) and ESD for the 2014-2015 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program provided by the Board for the 2015-2016 school year including ESY and ESD appropriate and does it provide the Student with FAPE in the LRE?
4. Should the Board conduct the Futures Planning Meeting as recommended in November 2014?
5. Was the transition program proposed by the Board appropriate?
6. Should the Parents be reimbursed for the cost of the privately funded daily living skills provided in the home?
7. Did the Board's program violate Section 504 of the Rehabilitation Act of 1973?
8. Is the Student entitled to Compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. The Student is over the age of 18; the Parents have been appointed as Conservators by the Probate Court. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the

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2015-2016 school year and requested reimbursement for the cost of the privately funded daily living skills provided in the home. The Board refused the Parents' request.

On January 27, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on January 28, 2016 and a pre-hearing conference was held on February 3, 2016. A hearing date of June 10, 2016 was chosen by the parties. The parties agreed to forego a resolution meeting and mediate the matter.

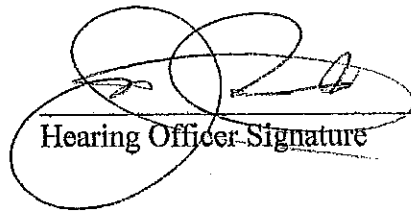
At the June 10, 2016 hearing date, the parties resolved the matter and memorialized the agreement. The Parents withdrew the matter with prejudice. The date for the mailing of the Final Decision and Order was extended to July 8, 2016 to accommodate the hearing date.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print