

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Westport Board of Education

Appearing on behalf of the Student:

Attorney Lawrence W. Berliner
Law Offices of Lawrence W. Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education offer the Student a free appropriate public education for the 2013/2014, 2014/2015 and/or 2015/2016 School Years?
2. If not, is the Windward School appropriate?
3. If the Board of Education did not offer the Student a free appropriate public education for any of these periods and the Windward School is appropriate, is the Student entitled to reimbursement of the expenses of the Windward School placement and/or placement at Windward School?
4. If the Board of Education did not offer the Student a free appropriate public education for any of these periods but the Windward School is not appropriate, is the Student entitled to compensatory education services?
5. If the Board of Education did not offer the Student a free appropriate public education for any of these periods is the Student entitled to reimbursement for the expenses of tutoring?
6. Does the two-year statute of limitations apply to this case?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on February 22, 2016. This Impartial Hearing Officer was appointed to hear the case on February 23, 2016. A telephonic pre-hearing conference was convened on April 5, 2016. Attorney Lawrence Berliner appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. The deadline for filing the final decision and order was established to be May 6, 2016. Evidentiary Hearings were scheduled for July 6, 2016 and July 20, 2016.

On April 5, 2016, the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to allow the parties to pursue due process and accommodate the scheduled hearing dates. The Board of Education agreed to the requested postponement and it was granted.

On May 31, 2016, the Student reported that the parties had a mediation scheduled for June 23, 2016 and submitted a second written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to allow the parties to pursue due process and accommodate the scheduled hearing dates. The Board of Education did not object to the requested postponement and it was granted.

On June 19, 2016, the Student submitted a third written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to allow the parties to pursue due process and accommodate the scheduled hearing and mediation dates. The Board of Education did not object to the requested postponement.

On July 20, 2016, the Student reported that the parties had reached a resolution of the dispute and requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted and this 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

ANN F BIRD

Hearing Officer

Name in Print