

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent:

Danielle McGee, Esq.  
Law Offices of Gerry McMahon  
98 Mill Plain Road, Suite 3B  
Danbury, CT 06811

Appearing on behalf of the Board:

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

Appearing before:

Sylvia Ho, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board provide FAPE to student for the two years prior to the filing of the Due Process Complaint?
2. Did the Board offer FAPE for the 2015-2016 school year?
3. If not, is EHSS [Eagle Hill School – Southport] an appropriate placement for Student?
4. If so, should the Board be required to reimburse Parents for payment of tuition and education related expenses at EHSS?
5. Do the circumstances warrant an award of compensatory education?

**PROCEDURAL HISTORY/SUMMARY:**

The Parent filed the Due Process Complaint and Request for Hearing on September 2, 2015. The Hearing Officer conducted a Prehearing Conference on September 18, 2015. The parties' request to extend the mailing date to engage in mediation was granted and the hearing was scheduled for December 9, 2015. On December 7, 2015, the Parent's attorney reported to the Hearing Officer that the Parent was withdrawing the Due Process Complaint without prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED** without 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).

  
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Hearing Officer Signature

Sylvia Ho  
Hearing Officer      Name in Print