

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student<sup>1</sup> 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 06880

Appearing on behalf of the Board of Education: Attorney Marsha Moses  
Berchem Moses & Devlin 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 April 2, 2015.<sup>2</sup> It was received by the Board of Education ("BOE") on April 2. The 30-day resolution period ended May 2 and the original deadline to mail the final decision and order was June 16. A telephonic pre-hearing conference was held on April 24. 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 provide Student with a free appropriate public education during the 2013-14 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2014-15 school year?
3. Did the Board of Education timely and appropriately evaluate Student?
4. If the answer to Issues One, Two, or Three above are in the negative, what shall be the remedy?
5. Are Student's Parents entitled to reimbursement for Dr. Cashman's evaluation of Student?
6. Should Student be placed at Winston Preparatory School at the Board of Education's expense?

Via e-mail dated April 30, Student's Attorney requested an extension of the mailing date to allow the parties to schedule hearing dates in June. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended until July 15, 2015. The parties were scheduled for a resolution session on May 4. Hearing was scheduled for June 25. On June 23, Student's Attorney indicated via email that the parties finalized a settlement agreement and withdrew Student's due process request with prejudice.

**FINAL DECISION AND ORDER**

In light of the above facts, the above-captioned case is dismissed with prejudice.


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<sup>1</sup> In order 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", "School" and titles of school staff members and certain other witnesses in place of names and other personally identifiable information.

<sup>2</sup> All dates are 2015 unless otherwise indicated.

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

JANIS C. JERMAN

Hearing Officer

Name in Print