

April 29, 2013

Final Decision and Order 13-0211

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Westport Board of Education

Appearing on behalf of the Student:

Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board:

Attorney Andreana Bellach
Shipman & Goodwin LLP
300 Atlantic Avenue
Stamford, CT 06901-8109

Appearing before:

Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board of Education (BOE) offer the Student a free appropriate public education (FAPE) for the 2010/2011 school year after November 13, 2010, and for the 2011/2012 and 2012/2013 school years?
2. If not, is Winston Preparatory an appropriate placement for the Student?
3. If so, is the Student entitled to reimbursement for the expenses of Winston Preparatory and/or for tutoring and therapeutic services obtained by the Student at the Student's own expense?
4. Is the Student's program appropriate?
5. If not, what are the appropriate remedies?

PROCEDURAL HISTORY:

The Student requested a special education hearing in the above-captioned matter on November 13, 2012. This Impartial Hearing Officer was appointed to the case on November 19, 2012. A telephonic pre-hearing conference was conducted on December 6, 2012. At that time, a hearing was scheduled for March 19, 2013.

Subsequently, the parties scheduled a mediation for March 19, 2013; the hearing on that day was rescheduled to April 11, 2013. Unfortunately, the mediation was then rescheduled due to events beyond the parties' control, and planned for April 11, 2013. New hearing dates of May 23 and May 24, 2013 were scheduled. On April 25, 2013, the Student notified the Impartial Hearing Officer that the Student and the Board of Education had resolved their dispute, and requested that the matter be dismissed without prejudice.

FINAL DECISION AND ORDER:

It is ordered that the Student's request for dismissal is granted, and this case is dismissed without prejudice.