

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Student: Attorney Phillip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District fail to fulfil its Child Find obligations under the Individuals with Disabilities Education Act during the period beginning March 3, 2014 through the date of the filing of the request for a Special Education Due Process Hearing?
2. Did the District fail to provide Student with a Free Appropriate Public Education ("FAPE") during that portion of the 2013-2014 school year beginning on March 3, 2014 through the end of the school year?
3. Did the District fail to provide Student with FAPE during the Extended School Year ("ESY") in the summer of 2014?
4. Did the District fail to provide Student with a FAPE during the 2014-2015 school year?
5. Did the District fail to provide Student with FAPE during the ESY in the summer of 2015?
6. Did the District fail to provide Student with a FAPE during the 2015-2016 school year?
7. If the District failed to provide Student with a FAPE, was placement of Student at the Pacific Quest program by Parents appropriate and should Parents be reimbursed for expenses of Student's enrollment in that program including travel expenses of Student and Parents?
8. If the District failed to provide Student with a FAPE, was placement of Student at the Telos program by Parents appropriate and should Parents be reimbursed for expenses of Student's enrollment in that program including travel expenses of Student and Parents?
9. If the District failed to provide Student with a FAPE, are Parents entitled to reimbursement for therapy provided to the child which was not reimbursed by insurance?
10. If the District failed to provide Student with a FAPE, are Parents entitled to reimbursement for the Psychological Assessment Report completed by Todd Corelli, Ph. D.?
11. If the District failed to provide Student with a FAPE, are Parents entitled to reimbursement for the cost of an educational consultant retained by the Student as a parent advocate and a program consultant?

PROCEDURAL HISTORY AND SUMMARY:

On March 3, 2016, the Board received a Special Education Due Process Hearing Request filed by Attorney for the Parents. The undersigned Hearing Officer was appointed by the Connecticut State Department of Education on March 3, 2016. During the prehearing conference held on March 23, 2016, hearing dates of May 16, 2016 and June 3, 2016 were set and the deadline for mailing the Final Decision and Order was established as May 17, 2016. On April 8, 2016, Attorney for the Parents requested an extension of the mailing deadline to accommodate the hearing date schedule. The Board had no objection to this request. This request was granted on that same day and resulted in mailing deadline of June 16, 2016. On April 23, 2016, Attorney for the Parents requested a postponement of the May 16, 2016 date to allow the parties to engage in mediation on May 12, 2016. The Board had no objection to this request. This request was granted on April 27, 2016. On June 3, 2016, after the parties engaged in a successful mediation, Attorney for the Parents withdrew Student's hearing request with prejudice on the record on the first date of hearing.

FINAL DECISION AND ORDER: In light of the above facts, the case is dismissed.

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

Brette H. Fitton
Hearing Officer Name in Print