

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Westport Board of Education ("Board") deny the Student a free and appropriate public education ("FAPE") for the school years of 2011-2012; 2012-2013; 2013-2014 by failing to properly evaluate the Student in all areas of a suspected disability; by failing to provide appropriate services and program to address the Student's unique needs and by failing to provide an extended school year ("ESY") for the school years in question?
2. Did the Board fail to provide the Student a FAPE by not properly addressing the sexual harassment and bullying of the Student at Bedford and Staples High School?
3. Does the Student require an out of district placement, and if so, is Winston Prep the appropriate placement?
4. Are the Parents entitled to reimbursement for the unilateral placement of the Student at Winston Prep, along with residual costs associated with that placement?

PROCEDURAL HISTORY:

The hearing was requested on 8/6/13; **Amended by the Parents on September 14, 2013** (dated October 14, 2013 by error) making the AMENDED deadline for the final decision and order as **October 29, 2013**. A resolution meeting was not scheduled as the parties agreed to participate in mediation. The prehearing conference was held on September 11, 2013, where the issues were identified and an initial due process hearing was scheduled for October 30, 2013 and November 14, 2013. On October 14, 2013 the Parents requested an extension of the final decision and order date for the purposes of using the scheduled hearing date for mediation. Due to a family emergency for the hearing officer and the upcoming holidays, the first available hearing date for the parties was beyond a thirty day extension. The due process hearing date was moved to December 13, 2013 and December 14, 2013, with the final decision and order date moved to December 23, 2013. On December 5, 2013 counsel for the Parents indicated in an email that agreement had been reached and that the Parents were withdrawing their complaint, without prejudice.

FINAL DECISION AND ORDER:

On December 5, 2013 the Parents withdrew their complaint without prejudice. With no further issues to be resolved in this matter, it 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).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print