

June 1, 2016

Final Decision and Order 16-0350

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent:

Elisabeth Moyse, Esq.
Law Office of Jennifer Laviano, LLC
76 CT Route 37
Sherman, CT 06784

Appearing on behalf of the Board:

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

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board deny Student FAPE from January 2015 to the end of the 2014-2015 year?
2. Did the Board provide FAPE for the 2015-2016 school year?
3. If either 1 or 2, or both above, are in the affirmative, is Easton Country Day School an appropriate placement for Student?
4. If so, should the Board be required to reimburse Parents for tuition and education related expenses, including transportation expenses, for placement at Easton Country Day School?
5. If so, should the Board be required to financially support placement of Student at Easton Country Day school?

PROCEDURAL HISTORY/SUMMARY:

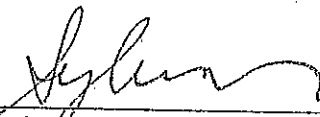
The Parent filed the Due Process Complaint and Request for Hearing on February 10, 2016. The Hearing Officer was appointed on and conducted a Prehearing Conference on February 11, 2016. The hearing was scheduled for May 12, 2016. The hearing was cancelled so that the parties could mediate and a new hearing date was scheduled for May 20, 2016. The mailing date of the Final Decision was extended to May 25, 2016. On May 20, 2016, the hearing convened. The parties jointly requested a postponement of the hearing date and an extension of the mailing date of the Final Decision because they were near final written agreement of the issues in dispute. The parties' request was granted, the hearing date of May 31, 2016 was added and the mailing date of the Final Decision was postponed to June 2, 2016. On May 31, 2016, the Parent's attorney reported to the Hearing Officer that the Parents were withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with 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

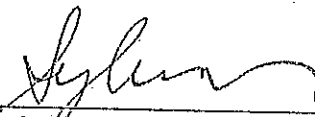
Sylvia Ho

Hearing Officer

Name in Print

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Hearing Officer Signature

Sylvia Ho

Hearing Officer Name in Print