

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent:

Attorney Andrew Feinstein
Attorney At Law, LLC
86 Denison Ave.
Mystic, CT 06355

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") fail to provide the Student with a free and appropriate public education ("FAPE") for the 2012-2013; 2013-2014 academic years?
2. Does the Student require an extended school year ("ESY") for the 2014-2015 summer period?
3. Does the Student require an out of district placement to receive a FAPE?
4. If the answer to issue number 3 is yes, is Eagle Hill-Southport an appropriate program and placement?
5. Are the Parents entitled to reimbursement for their unilateral placement of the Student at Eagle Hill-Southport, for the second academic half of 2013-2014 and the ESY 2013-2014 to the date of the decision?
6. Are the Parents entitled to reimbursement for their costs for the independent psychoeducational evaluation by Dr. Seese?

PROCEDURAL HISTORY:

This complaint was filed by the Parents on behalf of the Student on June 3, 2014. A prehearing conference was held on June 26, 2014, during which the above issues were identified. At the prehearing conference, the Parties requested an extension of the resolution period for settlement purposes. The request was granted and the resolution period was extended for thirty days. The initial due process hearing was set for August 15, 2014 with the final decision and order date set for September 16, 2014. On August 7, 2014 the Parties requested to postpone the August 15, 2014 hearing date as the Parties were attempting to finalize a settlement agreement. The hearing date was re-scheduled for September 3, 2014. On August 26, 2014, Counsel for the Parents, in an email to the Hearing Officer, stated that the Parents wished to withdraw the complaint with prejudice.

FINAL DECISION AND ORDER:

The Parents have requested that this matter be withdrawn with prejudice. With no further issues to be decided, this 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print