

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Westport Board of Education

Appearing on behalf of Student:

Attorney Phillip Cohn
Goldman Gruder & Woods LLC
200 Connecticut Avenue
Norwalk, CT 06854-1964

Appearing on behalf of the Board of Education:

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

Appearing before:

Janis C. Jerman, Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via Letter dated September 16, 2014.² It was received by the Board of Education ("BOE") on September 16. The 30-day resolution period ended October 16 and the original deadline to mail the final decision and order was November 30. A telephonic pre-hearing conference was held on September 30. Attorney Cohn appeared on behalf of Student and Attorney Moses appeared on behalf of BOE. The following issues were identified:

1. Did the Board of Education provide Student with a free appropriate public education during the 2014-15 school year?
2. Did the Board of Education provide Student with a free appropriate public education during the 2014 extended school year?
3. Did the Board of Education fail to provide Student with an individualized education program at the start of the 2014-15 school year?
4. Did the Board of Education fail to provide appropriate referrals for out-of-district placements?
5. Shall Student be placed at Logan River Academy at the Board of Education's expense?

The parties participated in mediation on November 6. The case did not resolve during mediation. Hearing was scheduled for November 18. The hearing was convened on the record at which time the parties jointly requested that the hearing be postponed to allow them to reduce a settlement agreement to writing and finalize certain outstanding provisions. The parties also jointly requested that the deadline to mail the final decision and order be extended to accommodate a later hearing date in the event that they did not finalize a settlement agreement.

After fully considering the positions of the parties, the requests were granted on the record. The deadline to mail the final decision and order was extended until December 30. Hearing was scheduled for December 9.

Via e-mail dated December 8, Student's Attorney indicated that the parties had reached an agreement and would be executing a formal agreement within 24 hours and requested that the request for due process hearing be dismissed with prejudice.

FINAL DECISION AND ORDER


In light of the above facts, the above-captioned case is dismissed with prejudice.

¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student", "Parents", "School" and titles of school staff members and certain other witnesses in place of names and other personally identifiable information.

² All dates are 2014 unless otherwise indicated.

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

JANIS C. JERMAN

Hearing Officer

Name in Print