

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Lawrence Berliner  
Law Office of Lawrence Berliner, LLC  
1720 Post Road East, Suite 214E  
Westport, CT 06880

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

Appearing before: Attorney Brette H. Fitton, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a Free Appropriate Public Education ("FAPE") in the Least Restrictive Environment ("LRE") for the 2012-2013 school year?
2. If the District failed to provide Student with a FAPE in the LRE for the 2012-2013 school year, was the program provided by the A Way to Learn company in Westport, Connecticut appropriate?
3. If the program provided by the A Way to Learn company in Westport, Connecticut was appropriate, do equitable factors weigh in favor of the District reimbursing the Parents for the direct and associated costs of the program?
4. Did the District fail to provide Student with a FAPE in the LRE for the 2013-2014 school year?
5. If the District failed to provide Student with a FAPE in the LRE for the 2013-2014 school year, was the program provided by the Easton Country Day School's Academy of Innovative Learning appropriate?
6. If the program provided by Easton Country Day School's Academy of Innovative Learning was appropriate, do equitable factors weigh in favor of the District reimbursing the Parents for the direct and associated costs of the program?

**PROCEDURAL HISTORY AND SUMMARY:**

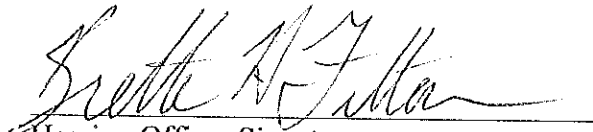
On December 9, 2013, the Westport Board of Education received a Request for a Special Education Due Process Hearing. The undersigned hearing officer was appointed on December 12, 2014 following recusal by Hearing Officer Oppenheim. On January 3, 2014, a prehearing conference was held and hearing dates of February 11, 2014 and February 12, 2014 were set. The original deadline for mailing the Final Decision and Order was established as February 21, 2014. On February 4, 2014, Attorney for the Student requested a postponement of the scheduled hearing dates and a 30 day extension of the deadline for mailing the Final Decision and Order. Attorney for the Board consented to these requests and they were granted. March 7, 2014 was set as the new hearing date and March 23, 2014 was established as the new deadline for mailing the Final Decision and Order. On February 28, 2014, Attorney for the Parents withdrew the hearing request.

**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