

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

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

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

Appearing before: Mary H.B. Gelfman, Esq., Hearing Officer

Final Decision and Order

Statement of Jurisdiction

This matter was to be heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(F) and related regulations, and in accordance with the Uniform Administrative Procedure Act (UAPA), CGS §§4-176e to 4-178, inclusive, §§4-181a and 4-186.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses “Student”, “School”, “Parent” and titles of school staff members and other witnesses in place of names and other personally identifiable information.

Issues

1. Was the manifestation determination by the team that the Student’s misbehavior was not related to her disability correct?
2. Is the interim placement provided by the Board appropriate to the Student’s special education needs?

Procedural History

This hearing was requested as an expedited hearing by Parent on December 17, 2012. The Hearing Officer was appointed on the same day. As an expedited hearing, the hearing was to be held within twenty school days and the decision was to be provided within ten school days of the hearing. A pre-hearing conference is not required for an expedited hearing.

Parent's Attorney filed notice of her appearance on December 18, 2012. Later in the same day, the Board's Attorney provided notice of her appearance. After consideration of the coming winter school vacation, on December 18, 2012, the Hearing Officer offered several dates for the hearing to the Parties; given the season, she included the possibility of late afternoon or evening in addition to the usual daytime schedule for hearings.

On December 27, 2012, Parent's Attorney informed the Hearing Officer that the Parties had agreed to waive a resolution meeting and to request mediation. She also reported that the Student would be unilaterally placed by Parent after the winter vacation and that "as far as the Parent is concerned, this placement removes the urgency for an expedited hearing...".

After further emails concerning the status of the case, Parent's Attorney confirmed that the Parties had requested mediation and withdrew the request for hearing on January 11, 2013.

All motions and objections not previously ruled upon, if any, are hereby overruled.

Final Decision and Order

The request for hearing having been withdrawn, this matter is DISMISSED without prejudice.