

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Andrew Feinstein
Attorney At Law, L.L.C.
86 Dennison Avenue
Mystic, CT 06355

Appearing on behalf of the Board: Attorney Marsha Belman Moses
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75 Broad Street
Milford CT. 06460

Appearing before: Attorney Deborah R. Kearns, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Whether the Board provides the Student with an appropriate special education program?
2. If not, whether the parent should be reimbursed for the costs of two out-of-district placements?

PROCEDURAL HISTORY

The parent, through counsel, requested a Due Process hearing by letter to the Connecticut State Department of Education - Due Process Unit on February 16, 2009. The matter was assigned to the hearing officer on February 20, 2009. The hearing request claims the Board offered a program that was not appropriate to meet the Student's needs in the least restrictive environment. The parent unilaterally placed the Student in two, out-of-district placements. The parent claims the programs meet the Student's special education needs. The parent seeks reimbursement of the cost for the Student's diagnostic placement and the cost of the current placement. The parent claims the out-of-district placement should continue to be the Student's placement for the 2008-2009 school year. The parties requested time to pursue settlement discussions.

On April 3, 2009, the parties requested leave to mediate the matter with the State Department of Education – Due Process Unit. The request was granted and the record reflects the new date for mailing the final decision is June 15, 2009. The parties met to mediate the matter on May 6, 2009. On May 7, 2009, the State Department of Education sent a notice stating the parties had reached an agreement. The parties stated they had not been able to finalize an agreement and requested the hearing scheduled for May 13, 2009, be continued until June 17, 2009. On June 5, 2009 the parties requested the matter be dismissed without prejudice.

The matter was resolved within forty-five days, as extended on the record, at the request of both parties.

FINAL DECISION AND ORDER

The case is dismissed without prejudice.