

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents:

Attorney Lawrence Berliner  
Klebanoff & Alfano, P.C.  
433 South Main St., Suite 105  
West Hartford, CT 06110

Appearing on behalf of the Board:

Attorney Marsha Belman Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing before:

Attorney Mary Elizabeth Oppenheim,  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board offered the Student an appropriate program for ESY 10 and the 2010-11 school year;
2. If not, whether the Parents' placement of the Student at Maplebrook is appropriate;
3. Whether the Board's actions in the scheduling of the PPT and the evaluations were procedural violations which resulted in a denial of FAPE to the Student;
4. Whether the Student is entitled to compensatory education.

**PROCEDURAL HISTORY/DISCUSSION:**

This request for hearing was received by the Board on December 27, 2010. A prehearing conference convened on January 12, 2011. The initial mailing date was extended so that the parties could proceed with mediation. On March 11, prior to the first hearing date, the Parents' attorney submitted notification that the mediation date scheduled for March 14 had been cancelled by the Department of Education and was being rescheduled for a later date. Based on this rescheduling the Parents' attorney submitted a request that the case be withdrawn without prejudice, and reported that the Board's attorney had no objection to this request. This matter will be dismissed without prejudice.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**, without prejudice.