

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Jennifer Laviano  
Attorney Erin Duques  
Law Offices of Jennifer Laviano LLC  
76 Route 37 South  
Sherman CT 06784

Appearing on behalf of the District: Attorney Michelle Laubin  
Attorney Amy Corbett Dion  
Bercham, Moses & Devlin LLC  
75 Broad Street  
Milford, CT 06460

Appearing before: Attorney Ann F. Bird, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES**

1. Did the Westport Board of Education offer the Student a free appropriate public education for that portion of the 2009-2010 school year after October 4, 2009, and/or the 2010-2011 and the 2011-2012 school years?
2. If the answer to issue one above is in the negative, is Student's private placement an appropriate program?
3. If the answer to issue one above is in the negative and the answer to issue two above is in the affirmative, is the Board of Education required to reimburse the Student's Parents for the Student's private placement for the 2011-12 school year, including transportation, and related expenses?

**PROCEDURAL HISTORY**

The Student submitted a Request for Impartial Special Education Hearing, which was received by the Board of Education on October 4, 2011. The Hearing Officer was assigned to the case on October 13, 2011. A telephonic prehearing conference was conducted on October 21, 2011. Counsel for each party participated in the prehearing conference and requested hearing dates in January 2012 in order to allow them time to discuss settlement. Hearing dates of January 4, January 6, January 11, January 12, and January 17, 2012 were scheduled. Subsequently, the hearing date of January 6, 2012 was cancelled due to a conflict in counsel's schedule.

On December 14, 2011, Counsel for the Board of Education submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the

final decision in this case to January 16, 2012. The purpose of the requested postponement and extension was to allow the parties time to finalize a settlement that was discussed at a mediation conducted on December 13, 2011. On December 15, 2011, the Hearing Officer granted the request for an extension of 30 days, to January 16, 2012. At the request of Counsel for the Student, the hearing date of January 4, 2012 was cancelled to allow counsel further time to finalize a settlement.

On January 9, 2012, Counsel for the Board of Education submitted a second written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to February 15, 2012. The purpose of the requested postponement and extension was to allow the parties time to finalize a settlement that was discussed at a mediation conducted on December 13, 2011. On January 9, 2012, the Hearing Officer granted the request for an extension of 30 days, to February 15, 2012. Subsequently, at the request of Counsel for the Student, the hearing dates of January 11 and January 12, 2012 were cancelled.

On January 17, 2012, Counsel for the Student appeared at the scheduled hearing and notified the Hearing Officer that the Student's Request for Due Process Hearing was withdrawn without prejudice. As a result, the Hearing Officer adjourned the hearing.

#### **FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed without prejudice.