

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parent: Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

Appearing on Behalf of the Board: Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2009-2010 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program offered by the Board for the 2010-2011 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Was the extended school year program for the summer of 2011 appropriate and did it provide the Student with FAPE in the LRE?
4. Is the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE? If not;
5. Does the program at the Center for Growth and Development provide the Student with FAPE in the LRE?
6. Should the Board reimburse the Parents for their unilateral placement of the Student at the Center for Growth and Development for the 2011-2012 school year?
7. Should the Board reimburse the Parents for the cost of the oral motor services, speech and language services, assistive technology services, physical therapy services, and vision therapy services provided to the Student?
8. Should the Board reimburse the Parents for the transportation of the Student to the Center for Growth and Development for the 2011-2012 school year?
9. Is the Student entitled to compensatory education for the denial of FAPE for the 2009-2010 school year?
10. Is the Student entitled to compensatory education for the denial of FAPE for the 2010-2011 school year?
11. Should the Board pay for an independent reading and sensory integration evaluations of the Student?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the program offered by the Board for the 2010-2011 school year. The Parents requested placement at the Center for Growth and Development. The Board refused the Parents' request and the Parents filed for due process. On January 13, 2012, the Board received notice of the Parents request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on January 13, 2012 and a pre-hearing conference was held on January 19, 2012. Hearing dates of June 18, 19 and 21, 2012 were chosen by the parties. In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter would be withdrawn with prejudice once the parties had formalized the agreement. On or about April 4, 2012, in an electronic transmission the parties informed the hearing officer that the agreement was not ratified and the hearing would be going forward. On June 12, 2012, the parties informed the hearing officer that the matter was resolved and the request for due process was withdrawn with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for the mailing of the Final Decision and Order is June 27, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.