

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Student v. Westport Board of Education

Appearing on behalf of the Parent

Attorney Jennifer Laviano  
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6 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board

Attorney Michelle Laubin  
Berchem, Moses & Devlin, P.C. □  
75 Broad Street □Milford, CT 06460

Appearing before:

Attorney Sylvia Ho, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board provided an appropriate individualized education program for the school years 2010-2011 and 2011-2012?
2. Whether the Board should be required to reimburse the parents for the alternative placements?
3. Whether the Board should be required to reimburse the residential placement of Student for the 2010-2011 school year?
4. Whether the Board should be required to financially support the alternative placement for the 2012-2013 school year?
5. Whether the Board violated Student's procedural and substantive due process rights?

**SUMMARY:**

Parent initiated a Request for Due Process Hearing dated May 24, 2012, which was received by the Board the same day. A prehearing conference was held on June 5, 2012. The parties jointly requested an extension of the timelines in order to engage in mediation with a state appointed mediator in good faith. The Hearing Officer granted the Request and scheduled a hearing date of August 21, 2012. The original mailing date of the Final Decision was extended from August 7, 2012 to September 7, 2012.

Prior to the hearing on June 19, 2012, the parent's attorney informed the Hearing Officer by email that mediation was scheduled for August 28, 2012, and that after a discussion with the Board's attorney, the parent withdrew the Request for Due Process Hearing without prejudice to be re-filed at a later time should mediation be unsuccessful.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED** without prejudice.