

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Attorney Piper Paul  
Goldman, Gruder & Woods, LLC  
200 Connecticut Avenue  
Norwalk, CT 06854

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

Appearing before: Justino Rosado, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the program offered by the Board for the 2015-2016 school year appropriate and does it provide the Student a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Did the Student require an extended school year (ESY) for the summer of 2015 in order to receive FAPE?
3. Does the unilateral placement of the Student at Eagle Hill-Greenwich for the 2015-2016 school year provide the Student with a meaningful education?
4. Should the Board reimburse the Parents for the cost of the unilateral placement at Eagle Hill-Greenwich for the 2015-2016 school year?
5. Should the Board be responsible for the cost of the neuropsychological evaluation performed by Dr. Heitzman?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Education 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 provided by the Board for the 2015-2016 school year and requested reimbursement for their unilateral placement of the Student at Eagle Hill-Greenwich for the 2015-2016 school year; the Board refused the Parents' request. On November 3, 2015, the Board received notice of the Parents' request for due process. The parties agreed to forego a resolution meeting and proceed to mediation.

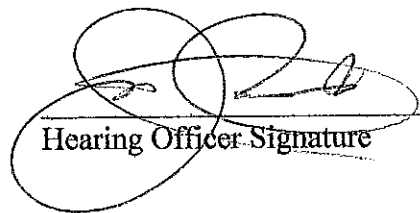
An impartial hearing officer was appointed on November 3, 2015 and a pre-hearing conference was held on November 12, 2015. A hearing date of January 21, 2016 was chosen by the parties. At the January 21, 2016 hearing date, the parties ratified an agreement and the Parents withdrew their request for due process with prejudice. The date for the mailing of the Final Decision and Order was extended to February 16, 2016 to accommodate the hearing date.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado  
Hearing Officer Name in Print