

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student and Region 9 Board of Education

Appearing on behalf of the Student: Attorney Elizabeth Moyse
The Law Offices of Jennifer Laviano LLC
76 Route 37 South
Sherman CT 06784

Appearing on behalf of the Board of Education: Attorney Marsha Moses
Berchem, Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are claims based on facts occurring between March 2016 and August 30, 2016 subject to this Hearing Officer's jurisdiction, and if so, are they barred by the provisions of a June 2015 Settlement Agreement?
2. Did the Board of Education offer the Student a Free Appropriate Public Education from either March, 2016 or August 30, 2016 forward, including the 2016/2017 School Year and the 2016 Extended School Year?
 - a. If the Board of Education did not so provide, is the Westport Day School program appropriate?
 - b. If the Board of Education did not so provide and the Westport Day School is appropriate, should the Student be reimbursed for the expense of the Westport Day School program and/or be placed at the Westport Day School program?
 - c. If the Board of Education did not so provide but the Westport Day School is not appropriate, is the Student entitled to compensatory education?
3. Is the Board of Education's evaluation appropriate?
 - a. If the Board of Education's evaluation is not appropriate, is the Student entitled to an independent neuropsychological evaluation and/or an independent psychiatric evaluation at public expense?
4. Did the Board of Education violate Section 504 of the Rehabilitation Act?
5. Did the Board of Education violate Section II of the Americans With Disabilities Act?

PROCEDURAL HISTORY:

The Student requested a special education due process hearing in the above-captioned matter on September 7, 2016. This Impartial Hearing Officer was appointed to hear the case on September 7, 2016. A telephonic pre-hearing conference was convened on September 22, 2016. Attorney Elizabeth Moyse appeared on behalf of the Student and Attorney Marsha

November 1, 2016

Final Decision and Order 17-0124

Moses appeared on behalf of the Board of Education. At that time, it was agreed that the deadline to complete the hearing and issue the Final Decision and Order is November 21, 2016. The evidentiary hearing was scheduled for November 8, 2016.

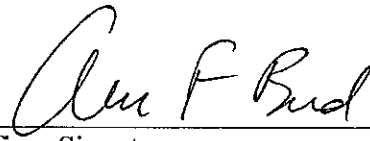
On October 20, 2016, the Student requested that the matter be dismissed with prejudice.

FINAL DECISION AND ORDER:

It is ordered that 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

ANN F BIRD

Hearing Officer Name in Print