

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214-E
Westport, CT 06680

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate Student's rights under the Individuals with Disabilities Education Act ("IDEA") by denying Student a free appropriate public education ("FAPE") for that portion of the 2015-2016 school year beginning on July 28, 2015 through the end of the school year?
2. Was the District's individualized education program ("IEP") for the 2016-2017 school year appropriate? If it was not appropriate, did Eagle Hill School provide an appropriate program and are Parents entitled to reimbursement for tuition and transportation costs for that portion of the 2016-2017 school year when Student was unilaterally placed there by Parents?
3. Was the District's IEP for the extended school year ("ESY") in the summer of 2017 appropriate? If the IEP was not appropriate, did Eagle Hill School provide an appropriate program and are Parents entitled to reimbursement for the tuition and transportation costs of Student's enrollment in Eagle Hill School's summer program?
4. Was the District's IEP for the 2017-2018 school year appropriate? If the proposed IEP was not appropriate, does Eagle Hill provide an appropriate program and are Parents entitled to reimbursement for tuition and transportation expenses related to Student's enrollment?
5. Are Parents entitled to reimbursement for the costs of the evaluation conducted by Dr. Buckley?
6. Are parents entitled to reimbursement for the costs of the evaluation conducted by Dr. Keefe?
7. Is the Student entitled to compensatory education?
8. Did the District violate its Child Find obligation by not referring Student for an evaluation for special education during the 2014-2015 school year until April 2015?
9. Did the District violate Student's right to a FAPE under Section 504 of the Rehabilitation

Act of 1973 during the 2014-2015, 2015-2016 and 2016-2017 school years?

PROCEDURAL HISTORY AND SUMMARY: On July 28, 2017, the Board received a special education due process hearing request filed by Attorney for the Parents. The undersigned Hearing Officer was appointed on August 1, 2017. During the prehearing conference held on August 30, 2017, the deadline for mailing the final decision and order was established as October 11, 2017. The parties indicated, during the conference, that the matter had settled and the parties anticipated a withdrawal. A hearing date of October 10, 2017 was set on September 15, 2017 at a second prehearing conference. On October 2, 2017, Attorney for the Parents requested an extension of the mailing deadline to accommodate the agreed upon hearing date schedule. The Board did not object to this request. The request for extension was granted and resulted in a new mailing deadline of November 10, 2017. On October 5, 2017, Attorney for the Parents withdrew the Parents' hearing request with prejudice.

FINAL DECISION AND ORDER: In light of the above facts, the case is dismissed.