

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student a student eligible to receive special education and related services as defined in 20 USC 1401 et seq? If yes;
2. Did the Board deny the Student a free and appropriate public education (FAPE) as required in the Individuals with Disabilities Education Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a during the 2007-2008 school year?
3. Did the Board deny the Student a FAPE as required by IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a during the 2008-2009 school year?
4. Did the Board deny the Student a FAPE as required by IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a during the 2009-2010 school year?
5. Was the unilateral placement of the Student at Sandhill for the 2009-2010 school year appropriate and provide the Student with FAPE in the least restrictive environment (LRE)?
6. Should the Board reimburse the Parent for the unilateral placement of the Student at Sandhill for the 2009-2010 school year?
7. Should the Board reimburse the Parent for the independent psychological evaluation by Dr. Cardona?
8. Should the Board reimburse the Parent for the outside academic and behavioral cost for the 2007-2008 and 2008-2009 school years?
9. Is the Student entitled to compensatory education for the denial of FAPE for the 2007-2008, 2008-2009 and 2009-2010 school years?

SUMMARY and PROCEDURAL HISTORY:

The Student is a 10 year old student who has not been identified as entitled to receive a FAPE as defined in IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parent rejected the Board's denial of the Student's eligibility for FAPE. The Parent requested placement at Sandhill and identification of the Student as eligible for FAPE. The Board refused the Parent's request.

On or about May 10, 2010, the Board received notice of the Parent's request for due process. An impartial hearing officer was appointed on May 11, 2010 and a pre-hearing conference was held on May 24, 2010. A hearing date of August 6, 2010 was chosen by the parties.

The Parent waived a resolution meeting and decided to go to mediation. Mediation was held on July 30, 2010. The parties requested the cancellation of the hearing date to enable the parties to continue with mediation. On or about August 2, 2010 the parties informed the hearing officer that the matter had been resolved and requested a withdrawal without prejudice since the agreement had not been reduced to writing.

At the request of the parties, in order to accommodate the filing of a final order and decision after the hearing dates, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is August 24, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.