

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parent: Lawrence W. Berliner, Esq.
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1720 Post Road East, Ste. 214 E
Westport, CT 06880

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. Was the program provided by the Board for the 2014-2015 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the program provided by the Board for the 2015-2016 school year including extended school year (ESY) appropriate and does it provide the Student with FAPE in the LRE?
3. Does the unilateral placement of the Student at Eva Carlston Academy for the 2015-2016 school year provide the Student with a meaningful education?
4. Should the Board be responsible for the cost of the placement of the Student at Eva Carlston Academy for the 2015-2016 school year?
5. Is the program offered by the Board for the 2016-2017 school year including ESY appropriate and does it provide the Student with FAPE in the LRE?
6. Does the unilateral placement of the Student at Eva Carlston Academy for the 2016-2017 school year provide the Student with a meaningful education?
7. Should the Board be responsible for the cost of the placement of the Student at Eva Carlston Academy for the 2016-2017 school year?
8. Is the Student entitled for compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student is classified with Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement 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 disagreed with the program offered by the Board for the 2016-2017 school year. The Parents requested reimbursement for the cost of the unilateral placement of the Student at Eva Carlston Academy. The Board denied the request.

September 7, 2016

Final Decision and Order Case No. 16-0560

Notice of the Parents' hearing request was received by the Board on May 24, 2016. An impartial hearing officer was appointed on June 3, 2016 and a pre-hearing conference was held on June 15, 2016. A hearing date of August 9, 2016 was chosen by the parties.

In an electronic transmission, the parties informed the hearing officer that the matter had been resolved but requested additional time to finalize the agreement and also requested cancelation of the hearing dates. The hearing date was cancelled. In an electronic transmission The Parents' attorney informed the hearing officer that the agreement had been signed and withdrew the matter with prejudice. The mailing date was extended to accommodate the hearing date. The date for the mailing the Final Decision and Order is September 8, 2016.

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