

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Michael Perzin, Esq.
Yolen and Perzin, LLC
5 Trumbull Street
New Haven, CT 06511

Appearing on Behalf of the Board: Marsha Belman Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 13 years and 5 months young man who has been identified with Specific Learning Disability and is entitled to receive a free appropriate public education ("FAPE") as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At an IEP meeting on or about May 25, 2005, the Parents rejected the program offered by the Board for the 2005-2006 school year and requested and out of district placement and reimbursement for the independent neuropsychological evaluation of the Student. The Board refused the Parents' request. On or about June 10, 2005 the Parents requested a Due Process Hearing. On June 13, 2005, a Hearing Officer was appointed. A pre-hearing conference was held on June 20, 2005 and agreed upon hearing dates of July 6, 12, 26 and 29, 2005 were scheduled by the parties.

At the July 6, 2005 hearing date the parties recessed and were able to resolve the matter. The hearing was adjourned in order to allow the parties time to memorialize and sign the agreement. In a letter dated July 8, 2005, the Parents informed the Hearing Officer that the matter had been settled and the hearing request was withdrawn with prejudice. The hearing dates of July 12, 26 and July 29, 2005 were cancelled.

At the request of the parties the date for the filing of the Final Decision and Order was extended for 30 days, in order to accommodate the filing of a Final Decision and Order after the hearing dates.

The date for the Final Decision and Order was extended by agreement of the parties to August 25, 2005.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE