

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Andrew A. Feinstein, Esq.
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Bloomfield, CT 06002

Appearing on Behalf of the Board: Marsha B. Moses, Esq.
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75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program and related services offered by the Board from April 2007 to June 2007 appropriate and did the program provide the Student with a free and appropriate public education (FAPE) according to 20 USC 1401 et seq?
2. Was the program and related services offered by the Board for the 2007-2008 appropriate and did the program provide the Student with FAPE according to 20 USC 1401 et seq?
3. Was the unilateral placement of the Student at Second Nature Therapeutic Program from April 2007 to June 21, 2007 appropriate and did the program provide the Student with FAPE?
4. Was the unilateral placement of the Student at the Academy at Swift River in Cummington, Massachusetts appropriate and did the program provide the Student with FAPE?
5. Should the Board reimburse the Parents for the unilateral placement at the Second Nature Therapeutic Program from April 2007 to June 21, 2007?
6. Should the Board reimburse the Parents for the cost of transportation to and from the Second Nature Therapeutic Program?
7. Should the Board reimburse the Parents for the unilateral placement at the Academy at Swift River in Cummington, Massachusetts for the 2007-2008 school year?

8. Should the Board reimburse the Parents for the unilateral placement at the Academy at Swift River in Cummington, Massachusetts for the summer of 2007?

SUMMARY AND PROCEDURAL HISTORY:

This matter was presented as a contested matter pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(f) and related regulations, and in accordance with the Uniform Administration Procedures Act, CGS §§4-176e to 4-178, inclusive, and 4-181a and 4-186.

The Student is a young man who has been identified as Other Health Impaired and a student entitled to receive a free and 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.

The Parents rejected the program offered to the Student for the 2006-2007 school year. The Parents requested a program that contained specific recommendations to meet the Student's needs and reimbursement for the cost of the unilateral placement of the Student at Second Nature Therapeutic Program and the Academy at Swift River in Cummington, Massachusetts for the summer of 2007 and the 2007-2008 school year. The Board rejected the Parents' request.

The Board received notice of the due process request on August 23, 2007. On August 24, 2007, a Hearing Officer was appointed. The parties agreed to October 5 & 12, 2007 as hearing dates. The October 5, 2007 hearing date was cancelled to allow the parties to mediate the matter. Mediation did not result in a resolution of the matter.

On or about November 16, 2007, the Parents informed the Hearing Officer that the matter had been settled and that the hearing was being withdrawn with prejudice. The request for withdrawal with prejudice was granted.

The date for the filing of the Final Decision and Order was extended to allow for mediation and the writing of the decision. The date for the mailing of the decision is December 6, 2007.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.