

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Pro Se

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Is the Diagnostic Placement offered by the Board for the 2007-2008 school year appropriate and did it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq? If not;
2. Is the unilateral placement at the Saint Bernadette School in New Haven, CT providing the Student with FAPE in the LRE?
3. Was the program provided by the Board for the 2006-2007 school year appropriate and did it provide the Student with a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) according to 20 U.S.C. §§ 1401 et seq?
4. Was the unilateral placement at the Saint Bernadette School in New Haven, CT for the 2006-2007 school year appropriate and provide the Student with FAPE in the LRE?
5. Was the program provided by the Board for the 2005-2006 school year appropriate and provide the Student with FAPE in the LRE?

**FINAL DECISION AND ORDER**

**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 14 years and 2 month young man who has been identified as with Specific Learning Disability and is 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. At a PPT meeting, the Parents rejected the program offered by the Board, for the 2007-2008 school year. The Parents requested placement Saint Bernadette School in New Haven, CT. The Board refused the Parents’ request.

On or about September 11, 2007, the Board received notice of the Parents’ request for due process. A resolution meeting was held on or about October 1, 2007.

An impartial Hearing Officer was appointed on September 12, 2007 and a pre-hearing conference was held on September 27, 2007. A hearing date of November 8, 2007 was chosen by the parties. Later dates of December, 11, 2007 and January 15, 2008 were chosen by the parties.

The Board filed a Motion to Dismiss and a timely objection to the Motion was filed by the Parent. The Board raised a timely issue if the Student was a resident of the Board’s school district.

On or about December 14, 2007, at the request of the Hearing Officer, the Board scheduled a residency hearing for January 8, 2008. The parties attended the residency hearing. The Board submitted to the Hearing Officer a copy of the decision of the residency hearing. The Impartial Residency Hearing Officer found that the Student has not been a resident of the Board’s School District since October 1, 2006.

The Parents submitted a letter to the Hearing Officer requesting to withdraw the matter without prejudice.

At the request of the parties, in order to accommodate the filing of a final decision and order 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 February 25, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED.**