

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on behalf of the Parents: Atty. Howard Klebanoff, Klebanoff & Alfano, P.C.,
433 South Main Street, Suite 102, West Hartford, CT 06110

Appearing on behalf of the Westport Board of Education: Atty. Marsha Belman Moses,
Berchem, Moses & Devlin, P.C., 75 Broad Street, Milford, CT 06460

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Did the Board properly exit the Student from special education at the Planning and Placement Team ("PPT") meeting on September 6, 2007?
2. Did the Board offer a free appropriate public education (FAPE) to the Student for the 2007-2008 school year?

PROCEDURAL HISTORY

The Parents' attorney requested this hearing on September 11, 2007 by faxing a letter to the Board's Director of Pupil Personnel Services, the Board's attorney and the State Department of Education ("SDE"). This Hearing Officer was assigned to the case on September 12. On September 19, a prehearing conference was held. The mailing date for the final decision was set at November 26, 2007. Hearing dates were agreed on for October 29 and November 7 and 14. On October 23, the Parents' attorney requested a cancellation of the October 29 and November 7 hearing dates so that the parties could continue settlement discussions. The request was granted. The hearing convened on November 14, 2007 with the attorneys and the Vice-Principal of the Coleytown Middle School. The Parents did not attend. After discussion off the record, the Parents' attorney requested a postponement of the hearing to December 4 and the extension of the mailing date for the final decision until December 28, 2007. The request was granted with the Board attorney's consent. The parties were ordered to file exhibits by November 27 or a withdrawal of the hearing request. On December 3, the Parents' attorney wrote to the Hearing Officer that the parties were close to a settlement and stated that he would contact the Hearing Officer in two hours. The hearing for December 4 was canceled and

the parties were advised that the case would be dismissed unless the Parents' attorney filed a response by December 6. On December 6, the Parents' attorney requested a second prehearing conference to schedule additional hearing dates. The request was granted and a prehearing conference was held on December 12, 2007. Hearing dates were agreed on for January 16, 18 and 24, 2008. The mailing date for the final decision was extended to February 19, 2008 at the joint request of the parties. The parties were given until January 9 to file witness lists and exhibits. The Board timely filed Exhibits B-1 through B-145 and a witness list. The Parents did not file any. On January 11, the Parents' attorney wrote to the Hearing Officer that the parties had reached a settlement and requested time to file a withdrawal with prejudice. On January 14, the Hearing Officer advised the parties that the hearing dates were canceled. The Parents' attorney was given until February 1 to file a withdrawal with prejudice. As of February 8, 2008, the Parents' attorney made no request.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed.