

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Andrew A. Feinstein  
Law Offices of David Shaw  
34 Jerome Street, Ste. 210  
Bloomfield CT 06002

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 Program offered 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?
2. Is the Program 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?
3. Should the Board reimburse the Parent for Dr. Robert King's independent evaluation of the Student and Dr. Martin Kutscher's neurological evaluation of the Student?
4. Should the Board reimburse the Parent for the private social skills, speech and language and occupational therapy evaluations of the Student?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 9 years and 4 month young boy who has been identified as Other Health Impaired 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 the May 22, 2008 PPT meeting, the Parents rejected the program offered by the Board for the 2007-2008 school year. The Parents requested additional services. The Board refused the Parents request.

On or about August 18, 2008, the Board received notice of the Parents' request for due process. Mediation was scheduled for October 2, 2008.

An impartial hearing officer was appointed on August 20, 2008 and a pre-hearing conference was held on August 27, 2008. A hearing date of October 14, 2008 was chosen by the parties.

In an electronic transmission dated October 13, 2008, the Parents' attorney informed the hearing officer that the matter was resolved and the hearing was withdrawn without prejudice.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 mailing of the Final Decision and Order is November 14, 2008.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.**