

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Westport Board of Education

Appearing on Behalf of the Parents: Attorney Jennifer D. Laviano
Law Offices of Jennifer D. Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Did the program offered by the Board from May 2, 2009 to the end of the 2008-2009 school year provide the Student with a free and appropriate public education (FAPE) as required in the Individuals with Disabilities Educational Improvement Act (IDEIA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a?
2. Should the Board reimburse the Parents for the cost of the placement of the Student at St. Paul's Christian School from May 2, 2009 to the end of the 2008-2009 school year?
3. Was the program offered by the Board for the 2009-2010 school year appropriate and did it provide the Student with FAPE? If not;
4. Should the Board reimburse the Parents for the cost of the unilateral placement of the Student at Meliora Academy in Wallingford, Connecticut for the 2009-2010 school year?
5. Should the Board reimburse the Parents for the cost of ABA therapy and the attendance of an ABA therapist at St Paul's Christian School from May 2, 2009 to the end of the 2008-2009 school year?
6. Is the Student entitled to compensatory education for the procedural violations that denied the Student FAPE from May 2, 2009 to the end of the 2008-2009 school year?
7. Is the Student entitled to compensatory education for the procedural violations that denied the Student FAPE for the 2009-2010 school years?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is 4 years old, has been identified as having Autism and is entitled to receive a FAPE as defined in IDEIA 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Parents rejected the Board's program offered to the Student for the 2009-2010 and requested placement at Meliora Academy in Wallingford, Connecticut. The Board refused the Parents' request.

On or about April 16, 2010, the Board received notice of the Parents' request for due process. The Parents waived a resolution meeting and decided to go to mediation. Mediation was held on July 29, 2010. An impartial hearing officer was appointed on April 20, 2010 and a pre-hearing conference was held on April 30, 2010. Hearing dates of June 20, 2010 and June 21, 2010 were chosen by the parties. The parties requested the cancellation of the hearing dates to enable the parties to continue with mediation.

On or about August 26, 2010 the parties informed the hearing officer that the matter had been resolved and requested an extension in order to have the agreement signed by the parties. In a later correspondence the Parents' attorney informed the hearing officer that the agreement had been ratified and the matter was withdrawn with prejudice.

At the request of the parties, in order to accommodate the mailing of a final order and decision after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is September 24, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.