

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents/Student

Attorney David Shaw  
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Appearing on behalf of the Board:

Attorney Michael McKeon  
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646 Prospect Ave.  
Hartford, CT 06105-4286

Appearing before:

Attorney Mary Elizabeth Oppenheim  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Whether the Board has failed to provide appropriate and safe transportation for the Student between Norwalk and the Foundation School during the 2008-09, ESY 2009, 2009-10 and 2010-11 school years, with the support services necessary to make that transportation successful;
2. Whether the IEPs for the Student were inappropriate in that the transportation provided by the Board was not meeting the Student's needs in that Board did not properly accommodate the severe anxiety disorder that the Student has developed relating to transportation;
3. Whether the Parents shall be reimbursed for the transportation and related support that they have incurred and will continue to incur as a result of the Board's failure to provide adequate transportation and support;
4. Whether the Board has interfered with the Parents' and Student's exercise of their federal rights and intimidated and retaliated against them for exercising their federal rights relating to transportation in violation of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act;

5. Whether the Board shall provide transportation relating to the Student's education at the Foundation School by an appropriately trained transportation provider acceptable to the Parents;
6. Whether the Board shall provide extended day services in the home by an appropriately trained provider acceptable to the Parents to support the transition to school each day;
7. Whether the Board shall retain a mutually acceptable behaviorist to train all transportation providers and support personnel;
8. Whether the Board shall provide adequate and sufficient mental health support services by a provider acceptable to the Parents to address the Student's anxiety relating to transportation;
9. Whether the Student is entitled to compensatory education;
10. Whether an order shall issue requiring the Board to cease all violations of the Parents' and Student's rights under Section 504 and the ADA;
11. Whether the Board shall pay to the Parents and Student money damages for interfering with the exercise of the Parents' and Student's federal rights and for intimidating and retaliating against the Parents and Student for exercising their federal rights.

**PROCEDURAL HISTORY/DISCUSSION:**

This request for hearing was received by the Board on May 2, 2011 and a prehearing conference convened on May 9, 2011. The hearing convened on June 20 with the parties present, but without counsel present. The Parents confirmed on the record that they have been appointed coplenary guardians of the Student. At the hearing, the Parents and the Board representative confirmed that the settlement agreement was finalized and signed. Therefore, this matter is dismissed.

**FINAL DECISION AND ORDER:**

The matter is **DISMISSED**.