

August 7, 2013

Final Decision and Order 13-0479

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student:

Attorney Phillip J. Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

Appearing on behalf of the Board:

Attorney Michael McKeon
Pullman & Comley LLC
90 State House Square
Hartford, CT 06103-3702

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board violated child find obligations in its failure to make a prompt referral of the Student to a PPT, recommend comprehensive and appropriate evaluations in all areas of suspected disability and identify the Student as eligible for special education;
2. Whether the Board denied the Student FAPE in the 2010-11, 2011-12 and 2012-13 school years, including the extended school year;
3. Whether the Board failed to offer the Student an appropriate program for the 2013-14 school year and failed to provide homebound and hospitalized instruction;
4. Whether the Board shall place the Student in a therapeutic residential school for ESY 2013 and the 2013-14 school year as requested by the Parents;
5. Whether the Student is entitled to compensatory education.

PROCEDURAL HISTORY/DISCUSSION:

This hearing was requested on May 16, 2013 and a prehearing conference convened on May 24, 2013. At the prehearing conference, the parties confirmed that this matter was submitted to mediation.

At the request of the Parents' attorney, the initial hearing date of July 1, 2013 was cancelled so that the parties could proceed with mediation. On July 30, 2013 the hearing convened. Attorneys for both parties were provided substantial time to attempt to finalize a settlement agreement on the first hearing date, but requested additional time to negotiate all terms of the agreement. The hearing was continued to August 6, 2013. At the August 6 hearing date, the Parents' attorney was present, but the Board's attorney was not present. The Parents' attorney reported that the parties have an agreement, but are still working on some complicated provisions of the agreement. The Parents' attorney requested that the Parents' request for a due process hearing be withdrawn without prejudice, and reported that the Board did not object to this request. Therefore, this case is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.