**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student: Attorney Gerry McMahon
                                       Attorney Danielle McGee
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                                       Danbury, CT 06811

Appearing on behalf of the Board: Attorney Michael McKeon
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                                       90 State House Square
                                       Hartford, CT 06103-3702

Appearing before: Attorney Brette H. Fitton
                                       Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the District violate its Child Find obligation under the Individuals with Disabilities Education Act ("IDEA") by failing to promptly, and comprehensively evaluate and identify Student as a child in need of special education and related services during the 2014-2015 school year?
2. Did the District violate its Child Find obligation under the IDEA by failing to promptly, and comprehensively evaluate and identify Student as a child in need of special education and related services during the Extended School Year ("ESY") in the summer of 2015?
3. Did the District violate its Child Find obligation under the IDEA by failing to promptly, and comprehensively evaluate and identify Student as a child in need of special education and related services during the 2015-2016 school year?
4. Did the District deny the Student a Free Appropriate Public Education ("FAPE") for the 2014-2015 School year by failing to provide any Individualized Education Program ("IEP") for the Student?
5. Did the District deny the Student a FAPE during the ESY occurring in summer of 2015 by failing to provide an IEP for the Student?
6. Did the District deny the Student a FAPE for the 2015-2016 School year by failing to provide an IEP for the Student?
7. Are the Parents entitled to reimbursement for tuition and related expenses for Parents' placement of Student at the Winston Prep School from November 2014 to April 2015, the Westport Day School during the summer of 2015, and the Mountain Valley Residential Treatment Center and Knower Academics from October 2015-February 14, 2016?
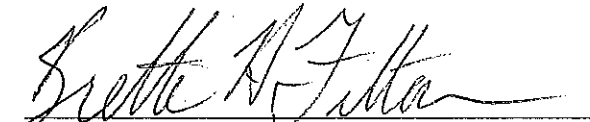
PROCEDURAL HISTORY AND SUMMARY:

On June 8, 2016, the Board received a request for a special education due process hearing filed by the Parents. On June 13, 2016, the Connecticut State Department of Education appointed this Hearing Officer to preside over the hearing. During the prehearing conference held on June 17, 2016, hearing dates of July 15, 2016, August 15, 2016, August 16, 2016, August 17, 2016 and August 24, 2016 were set and the deadline for mailing the final decision and order was established as August 22, 2016. Subsequent to the prehearing conference, the Attorney for the Board indicated that there was a personal conflict with the July 15th date of which he was unaware at the time of scheduling and asked for that date to be postponed. The Parents did not object to this request, which was granted by the Hearing Officer. Although July 22, 2016 was offered by the Hearing Officer as an alternative hearing date the parties agreed to utilize July 22, 2016 for mediation and for the first date of hearing to occur on August 15, 2016. On August 11, 2016, Attorney for the Parents sent an email in which she indicated the Parents were withdrawing the request for a special education hearing without prejudice

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).

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Hearing Officer Signature

Brette H. Fitton
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Hearing Officer   Name in Print