

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent: Attorney Andrew Feinstein
Attorney at Law, LLC
86 Denison Avenue
Mystic, Ct 06355

Appearing on behalf of the Board: Attorney Michael P. McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105-4286

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2011-2012 school year appropriate and did it provide the Student with free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
2. Was the unilateral placement of the Student at Eagle Hill, Southport, CT for the 2011-2012 school year appropriate and did it provide the Student with FAPE in the LRE?
3. Is the program offered by the Board for the 2012-2013 school year appropriate and does it provide the Student with FAPE in the LRE?
4. Should the Student be placed at Eagle Hill, Southport, CT for the 2012-2013 school year and provided with a BCBA to design, oversee and train personnel in order for the Student to receive FAPE?
5. Should the Student be provided with compensatory education for the summer of 2012 for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in The Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parent rejected the program offered by the Board for the 2012-2013 school year. The Parent requested placement at Eagle Hill, Southport, CT for the 2012-2013 school year. The Board refused the Parent's request.

On July 27, 2012, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting. The mediation session was held on October 2, 2012.

An impartial hearing officer was appointed on July 27, 2012 and a pre-hearing conference was held on August 2, 2012. Hearing dates of November 14, 29 and December 6 and 7, 2012 were chosen by the parties.

In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter and that the matter be withdrawn with prejudice. The withdrawal with prejudice was granted.

The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is December 7, 2012.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.