

May 26, 2015

Final Decision and Order 15-0342

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent:

Lawrence Berliner, Esq.
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board:

Michael McKeon, Esq.
Pullman and Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Board timely refer Student for evaluation for special education services?
2. Did the Board timely evaluate Student?
3. Did the Board timely convene a PPT to review Student's eligibility?
4. Did the Board fail to timely provide an appropriate program for Student?
5. Did the Board provide an appropriate program for the 2014-2015 school year?
6. Was the parent denied meaningful participation at the August 26, 2014 PPT?
7. Is Beacon an appropriate placement for Student?
8. Should the Board be required to reimburse Parents for their education and related expenses for unilateral placement Beacon School?
9. Do the circumstances warrant an award of compensatory education?

PROCEDURAL HISTORY/SUMMARY:

The Parent filed the Due Process Complaint and Request for Hearing on March 9, 2015. The Hearing Officer was appointed on March 11, 2015 and conducted a Prehearing Conference on March 27, 2015. The hearing was scheduled for May 5, 2015. On April 29, 2015, the parties jointly requested a postponement of the hearing date and an extension of the mailing date of the Final Decision so that they could attend a rescheduled resolution meeting of the issues in dispute. The parties' request was granted; the hearing date was postponed to June 5, 2015 and the mailing date of the Final Decision was postponed to June 22, 2015. On May 26, 2015, the Parent's attorney informed the Hearing Officer that the Parents were withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without prejudice.

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).



Hearing Officer Signature

Sylvia Ho
Hearing Officer Name in Print