

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent: Attorney Anne Treimanis  
Law Office of Anne Treimanis, LLC  
10 Wall Street  
Norwalk, CT 06850

Appearing on behalf of the Board: Attorney Michael McKeon  
Pullman & Comely, LLC  
90 State House Square  
Hartford, CT 06103

Appearing before: Robert L. Skelley, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Norwalk Board of Education ("Board") fail to provide the Student with a free and appropriate public education ("FAPE") for the 2011-2012 and 2012-2013 academic years by failing to:
  - a. Provide appropriate evaluations for either year;
  - b. Provide appropriate transition planning for either year;
  - c. Provide an extended school year ("ESY") for the summer of 2013;
  - d. Propose a program that addressed the Student's emotional, physical and social needs?
2. Did the Board fail to provide a FAPE to the Student for the 2013-2014 academic year by:
  - a. Inappropriately exiting the Student from Special Education Services;
  - b. Inappropriately attempting to exit the Student from the school system after the 2012-2013 academic year;
  - c. Failing to provide an appropriate Individualized Education Program ("IEP") for the 2013-2014 academic year;
  - d. Failing to have an ESY plan in place for the 2013-2014 summer period?
3. Did the Board commit procedural violations, sufficient to deny the Student a FAPE, by:
  - a. Failing to allow the Surrogate Parent to have meaningful participation in the IEP process;
  - b. Failing to allow the ACES/Whitney High School team to have meaningful participation in the IEP process;

- c. Failing to allow the legal guardian, Department of Children and Families ("DCF") to have meaningful participation in the IEP process;
- d. Failing to allow the Student to have meaningful participation in the IEP process;
- e. Failing to allow the Department of Mental Health and Addiction Services to have meaningful participation in the IEP process;
- f. Failing to accord sufficient weight to the opinions of the professionals who know the Student, during the IEP process?

#### **PROCEDURAL HISTORY:**

The Parents filed the request for a due process hearing on June 13, 2013. The Parties agreed to waive the resolution meeting in favor of mediation. The original due process hearing was scheduled for July 25, 2013. The original final decision and order date was set for August 27, 2013. Mediation was subsequently scheduled for July 25, 2013, which necessitated the change of hearing date. Due to a change in mediators, the mediation date was changed to August 2, 2013. The new hearing date was set for August 15, 2013; the final decision and order date was continued to August 27, 2013. At the end of July, a change in the hearing date was requested by one of the counsel due to a personal matter. The earliest date that could be scheduled was August 15, 2013. Mediation was subsequently held on August 2, 2013, in which the Parties reached a tentative settlement which needed to be drafted and signed by the Parties. Due to the school personnel being on vacation for the next two weeks and a personal emergency for one of the counsel, the hearing date was re-scheduled to September 12, 2013, and the mailing date for the final decision and order was extended to September 26, 2013. On September 5, 2013, Counsel for the Board requested an extension of the final decision and order date to allow him time to draft the agreement and work out any language problems that may occur before signing. On September 26, 2013 the Parties requested one final extension to October 7 to get all of the Parties together to sign the agreement. The final decision and order date was moved to October 7, 2013, based on the word of counsel that the Student had been receiving the new program and services and would continue to do so and as such was not going to suffer any negative impact from the extension. On October 4, 2013, Counsel for the Parents indicated in writing that the agreement had been signed by all Parties and that the Parents wished to withdraw their request for a due process hearing, with prejudice.

#### **FINAL DECISION AND ORDER:**

On October 4, 2013 the Parents stated in writing that they had reached settlement with the Board and wished to withdraw their due process complaint, with prejudice. With no further issues to be decided in this matter, the hearing is DISMISSED with prejudice.