

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on Behalf of the Parents: Andrew A. Feinstein  
Law Offices of David Shaw  
34 Jerome Street, Ste. 210  
Bloomfield CT 06002

Appearing on Behalf of the Board: Marsha B. Moses, Esq.  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Was the Program offered by the Board for the 2005-2006 school year, appropriate and provide the Student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
2. Was the Program offered by the Board for the 2006-2007 school year, appropriate and provide the Student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
3. Is the Program offered by the Board for the 2006-2007 school year, appropriate and provide the Student with a Free and Appropriate Public Education (FAPE) according to 20 U.S.C. §§ 1401 et seq?
4. Should the Board provide the Student with an ABA Program with a full time one-on-one ABA trained aide?
5. An Extended School Year (ESY) Program of 10 hours a week of direct one-on-one ABA services?
6. Is the Student entitled to Compensatory Education of direct one-on-one ABA Services for the 2004-2005 school year?
7. Is the Student entitled to Compensatory Education of direct one-on-one ABA Services for the 2005-2006 school year?
8. Should the Board provide at its expense an assistive technology evaluation of the Student?
9. Should the Board provide at its expense an evaluation of the Student's vision and his processing of visual information?

**SUMMARY and PROCEDURAL HISTORY:**

The Student is a 8 years and 8 month young boy who has been identified as Autistic and is entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the June 13, 2006 PPT meeting, the Parents rejected the program offered by the Board for the 2006-2007 school year. The Parents requested an ABA Program with a full time one-on-one ABA trained aide and an ESY Program. The Board refused the Parents’ request. On or about August 21, 2006, the Board received notice of the Parents’ request for due process. Mediation was held on September 28, 2006. An impartial hearing officer was appointed on August 23, 2006 and a pre-hearing conference was held on September 6, 2006. A hearing date of November 1, 2006 was chosen by the parties. In a letter dated October 12, 2006, the Parents attorney requested that the November 1, 2006 be postponed for 30 days as the parties continued discussions in order to resolve the matter. A hearing date of December 5, 2006 was agreed to by the parties. At the December 5, 2006 hearing the parties were able to resolve the matter and requested time to put the agreement in writing and ratify the agreement. The parties informed the hearing officer that the matter was ratified and the hearing was withdrawn with prejudice. At the request of the parties, in order to accommodate the filing of a final order and decision after the hearing dates, the date for the filing of the Final Decision and Order was extended.

The date for the Final Decision and Order is February 15, 2007.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**