

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on Behalf of the Parents: Attorney Lawrence W. Berliner  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102  
West Hartford, CT 06110

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

Appearing Before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board's 2008-09 Individualized Education Program provide the Student with a Free Appropriate Public Education?
2. If not, is the Parents' selected placement of the Student at Eagle Hill appropriate for the Student's needs?
3. Should the Board be required to reimburse the Parents for the costs of Eagle Hill?
4. Are the Parents entitled to reimbursement for the costs of independent evaluations?

**PROCEDURAL HISTORY:**

The Parents' attorney requested this hearing by mailing a request for a due process hearing dated November 26, 2008 to the Board's Director of Pupil Personnel Services and copies to the Board's attorney and the State Department of Education ("SDE"). The Board received the request on December 1, 2008. This Hearing Officer was assigned to the case on December 3, 2008. On December 30, 2008, a prehearing conference was held. The mailing date for the final decision was set at February 17,

2009. Hearing dates were agreed on for January 14, 2009 and February 4, 2009. On January 9, 2009, the Parents' attorney requested a 30-day postponement of the January 14, 2009 hearing date so that the Parties could explore settlement. The request was granted, hearing dates were scheduled for February 13, 2009 and February 25, 2009 and the mailing date for the final decision was extended to March 19, 2009. The hearing convened on February 13, 2009. The Parties reported that a settlement agreement was reached and that the Parents had executed the written agreement. The Father did not appear at the hearing and had signed a separate page. The Board's attorney requested that the Mother and the Parents' attorney offer statements on the record to show both Parents understood the agreement and that they would not be able to file another due process request for the 2008-09 or the 2009-10 school years, which were both included in the settlement. The Board's attorney was satisfied with their statements. The Board executed the agreement. The Parents' attorney requested that the hearing request be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed with prejudice.