

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney Lawrence Berliner
Law Offices of Lawrence W. Berliner, LLC
1720 Post Road East, Ste. 214E
Westport, CT 06880

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

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the program offered by the Board for the 2016-2017 school year appropriate and does it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Does the unilateral placement of the Student at Beacon School in Stamford provide a meaningful education?
3. Should the Board reimburse the Parents for the placement at Beacon School for the 2016-2017 school year?
4. Did the Board predetermine the Students 2016-2017 program?
5. Is the Student entitled to compensatory education for the denial of FAPE?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired-ADHD 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 Parents rejected the program provided by the Board for the 2016-2017 school year. The Parents requested reimbursement of the cost of the unilateral placement at Beacon School. The Board refused the Parents' request and the Parents filed for due process. On December 1, 2016, the Board received notice of the Parents' request for due process. An impartial hearing officer was appointed on December 2, 2016 and a pre-hearing conference was held on December 14, 2016.

March 16, 2017

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The parties agreed to forgo a resolution meeting and mediate the matter. In an electronic transmission, the Parents' attorney informed the hearing officer that the parties were working to resolve the matter and needed time to ratify the agreement.

In an electronic transmission, the Parents' attorney informed the hearing officer that the agreement had been signed by all parties and withdrew the matter with prejudice.

The date for the mailing of the Final Decision and Order was extended to accommodate the mediation and ratifying the agreement. The date for mailing the Final Decision and Order is March 17, 2017.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.