

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney Gerry McMahon  
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Danbury, CT 06811

Appearing on behalf of the Board: Attorney Marsha Moses  
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75 Broad Street  
Milford, CT 06460

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Board violate “child find” by not identifying the Student as requiring special education and related services as defined in the Individuals with Disabilities Education Improvement Act (IDEA)? If so;
2. Was the unilateral placement of the Student at Darrow from May 13, 2017 to the end of the 2016-2017 school year provide a meaningful education?
3. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified Emotional Disturbance and is entitled to receive FAPE as defined in the Individuals with Disabilities 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 Darrow School. The Board refused the Parents request. The Parents filed for due process.

On May 12, 2017, the Board received notice of the Parents request for due process. The parties agreed to forgo a resolution meeting and mediate the matter. The mediation date was August 1, 2017

An impartial hearing officer was appointed on May 16, 2017 and a pre-hearing conference was held on May 30, 2017. Hearing dates of October 25 and 27, 2017 were chosen by the parties.

The Parents requested that the hearing include the 2012-2013, 2013-2014 and 2014 to May 12, 2015 school years. The Board objected to the expansion of the Statute of Limitations. R.S.C.A. 10-76h-(4)(a) A briefing scheduled was established. The parties filed timely briefs and the Motion to Expand the Statute of Limitations was denied. Hearing Officer's Exhibit No. 6.

At the October 25, 2017 hearing, the parties were able to resolve the matter and requested additional time to memorialize the agreement. At the request of the parties, the October 27, 2017 hearing date was cancelled.

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 November 24, 2017.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**