

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student: Attorney Andrew Feinstein  
Feinstein Education Law Group  
86 Denison Avenue  
Mystic, CT 06355

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

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the District fail to provide Student with a free appropriate public education (“FAPE”) for the 2017-2018 school year?
2. If the District failed to provide Student with a FAPE for the 2017-2018 school year, did Winston Preparatory School, where Parents unilaterally placed Student from January 3, 2018 through February 27, 2018, provide an appropriate program and are Parents entitled to reimbursement for the costs of Student’s placement there?
3. If the District failed to provide Student with a FAPE for the 2017-2018 school year, does the Westfield Day School, where Parents have unilaterally placed Student, provide an appropriate program and are Parents entitled to reimbursement for the costs of Student’s placement there?
4. Is the Student entitled to compensatory education to address the period of August 30, 2017 through December 31, 2017 when the Student was not enrolled in Westfield Day School?

**PROCEDURAL HISTORY AND SUMMARY:** On March 19, 2018, the Norwalk Board of Education received a request for a special education due process hearing filed by the Parents. On

March 20, 2018, the State of Connecticut Department of Education appointed the undersigned hearing officer to preside over the case. A prehearing conference was held on March 27, 2018. During this conference, the deadline for mailing the final decision and order was established as June 1, 2018 and May 16, 2018 was set as the initial hearing date. On May 7, 2018, Attorney for the Parent indicated that the parties had settled the matter at a resolution session and requested a postponement of the May 16, 2018 court date and an extension of the June 1, 2018 mailing deadline in order to allow the parties to finalize their settlement negotiations and reduce the agreement to a writing. These requests were granted pursuant to this Hearing Officer's authority under R.C.S.A. §10-76h-9(e). A new hearing date of June 13, 2018 was established and the deadline for mailing the final decision and order was extended to June 29, 2018. On June 6, 2018, Parents withdrew their request for a special education due process hearing with prejudice.

**FINAL DECISION AND ORDER:** In light of the above facts, the case is dismissed.