

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney Lawrence Berliner  
Law Office of Lawrence 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 District for the 2017-2018 school year and the 18-21 transition program appropriate and does it provide a free and appropriate public education (FAPE) in the least restrictive environment (LRE)? If not;
2. Is the unilateral placement of the Student at Thames Academy provided a meaningful education?
3. Should the Parents be reimbursed for the costs of their unilateral placement of the Student at Thames Academy?
4. Is the Student entitled to compensatory education for the denial of FAPE?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified Specific Learning Disabilities 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 2017-2018 school year and the 18-21 transition program. The Parents requested

May 3, 2018

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placement of the Student at Thames Academy at public expense. The Board refused the Parents' request. The Parents filed for due process.

On January 23, 2018, the Board received notice of the Parents request for due process. The parties agreed to a resolution meeting. The resolution date was pending,

An impartial hearing officer was appointed on January 25, 2018 and a pre-hearing conference was held on February 6, 2018. Hearing date of May 4, 2018 was chosen by the parties.

The parties could resolve the matter and requested additional time to memorialize the agreement. At the request of the parties, the May 4, 2018 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 May 4, 2018.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**