

June 29, 2018

Final Decision and Order 18-0326

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent: Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214-E
Westport, CT 06680

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

Appearing before: Raymond J. Rigat, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board's 2016-17 school year IEP provided the Student with FAPE for that school year and ESY-16?
2. If not, was the private school selected by the Parent appropriate for the Student for the 2016-17 school year and ESY-16?
3. If so, whether the Parent is entitled to be reimbursed for the costs of the private school, including tuition and transportation for the 2016-17 school year and ESY-16?
4. Whether the Board's 2017-18 school year IEP provided the Student with FAPE for the 2017-18 school year and ESY-17?
5. If not, was the private school selected by the Parent appropriate for the Student for the 2017-18 school year and ESY-17?
6. If so, whether the Parent is entitled to be reimbursed for the costs of the private school, including tuition and transportation for the 2017-18 school year and ESY-17?

7. Whether or not the Board engaged in categorical decision making with respect to the development of the Student's 2017-18 school year IEP?
8. Whether or not the Parent is entitled to receive an award compensatory education as an equitable remedy for the denial of FAPE during the 2016-17, ESY-16, 2017-18 and/or ESY-17 school years?
9. Whether or not the Parent is entitled to be reimbursed for the evaluation reports that were prepared by Dr. Kruger, Dr. Geffner, Beth Stone and/or Barbara Greenwald that were utilized by the Board at one or more PPT meetings?
10. Did the Board fail to provide the Parent with a complete copy of the Student's educational records as provided for in State Department of Education regulations?
11. If so, whether the Board should provide the Parent with a complete copy of the Student's educational records as requested in the Parent's counsel's letter dated July 6, 2017 and follow-up e-mails including e-mails dated July 11, 2017 and August 5, 2017?

PROCEDURAL HISTORY/SUMMARY:

The Parent brought the Due Process Complaint and Hearing Request on February 14, 2018. The Hearing Officer was appointed on February 15, 2018. A Prehearing Telephone Conference took place on Conference on March 7, 2018. The initial mailing date was determined to be April 30, 2018.

A hearing was scheduled for April 23, 2018, but was rescheduled following the extension of the mailing date to May 30, 2018.

A hearing took place on May 21, 2018, and was continued to June 28, 2018. The mailing date was extended upon the Parent's request until June 29, 2018, in order to allow the Parent to present their case at the continued hearing. The Board did not object.

On June 26, 2018, the Parent withdraw with prejudice her request for a Due process hearing on this matter.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**