

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on Behalf of the Parents: Attorney Kathryn Meyer, Esq.  
Center for Child Advocacy  
2470 Fairfield Avenue  
Bridgeport, CT 06605

Appearing on Behalf of the Board: Attorney Michael P. McKeon  
Sullivan, Schoen, Campane & Connon, LLC  
646 Prospect Avenue  
Hartford, Connecticut 06105-4286

Appearing Before: Attorney Justino Rosado, Hearing Officer

**ISSUES:**

1. Did the Board fail to have the Student evaluated, as a student requiring special education and related services, in a timely manner?
2. Was the Program provided by the board from March 2011 to the end of the 2010-2011 school year appropriate and did it provide the Student with a free and appropriate public education (FAPE) in the least restrictive environment (LRE)?
3. Is the program offered by the Board for the summer 2011 appropriate and does it provide the Student with FAPE in the LRE?
4. Is the program offered by the Board for the 2011-2012 school year appropriate and does it provide the Student with FAPE in the LRE?
5. Should the Board provide an independent psychiatric evaluation of the Student at public expense?
6. Should the Board pay for an independent educational consultant to evaluate the Student's 2011-2012 school year program?
7. Is the Student entitled to compensatory education for the denial of FAPE and for the violation of Child Find?

**FINAL DECISION AND ORDER**

**SUMMARY and PROCEDURAL HISTORY:**

The Student has been as identified with emotional disturbance and is entitled to receive a free and appropriate public education ("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. At a

PPT meeting, the Parent rejected the program offered by the Board for the 2011-2012 school year. The Parent requested an independent psychiatric evaluation and an educational consultant. The Board refused the Parent's request.

On or about July 15, 2011, the Board received notice of the Parent's request for due process. The parties agreed to go to mediation in place of a resolution meeting.

An impartial hearing officer was appointed on August 2, 2011 and a pre-hearing conference was held on August 15, 2011. Hearing dates of September 8, 9 and 13, 2011 were chosen by the parties. In an electronic transmission, the Parent's attorney advised the hearing officer that the parties were able to resolve the matter in mediation and that the matter was withdrawn without prejudice. The Board did not object to the Parent's request. The withdrawal without prejudice was granted.

The date for mailing the Final Order and Decision is September 28, 2011.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITHOUT PREJUDICE.**