STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student[1] v. Norwalk Board of Education

Appearing on behalf of Student:	Attorney Lawrence W. Berliner Law Office of Lawrence Berliner, LLC 1720 Post Road East, Suite 214-E Westport, CT 06880
Appearing on behalf of the Board of Education:	Attorney Michael McKeon Pullman & Comley LLC 90 State House Square Hartford, CT 06103
Appearing before:	Janis C. Jerman Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Mother via Request for Impartial Special Education Hearing dated December 3, 2015.[2] It was received by the Board of Education ("BOE") on December 7, 2015. The 30-day resolution period ended January 6 and the deadline to mail the final decision and order is February 20.

A telephonic pre-hearing conference was held on January 19. Student's Mother and Student's Advocate appeared on behalf of Student and Attorney McKeon appeared on behalf of BOE. The following issue was identified: Should Student be placed in an outplacement program in order to provide him with a free appropriate public education?

Student's Mother indicated that she also filed a Complaint with the Due Process Unit alleging that BOE failed to implement Student's January 5, 2016 Individualized Education Program and that she expected that issue to also be heard as part of this hearing. BOE's Attorney objected as that issue arose after the filing of the Request for Hearing in this case. According to the Due Process Unit, the State Complaint regarding the IEP issue was suspended pending resolution of this hearing. Therefore, Student's Mother was given leave until February 12 to amend the Request for Hearing to add that issue to this case.

Via email dated February 10, Attorney Berliner filed an appearance on behalf of Student and indicated that the parties participated in mediation and that they reached an agreement in principle subject to the resolution of certain contingencies. He further indicated that it may take two weeks to finalize the agreement and withdrew the Request for Due Process Hearing without prejudice. He indicated that BOE's Attorney does not object to the request to withdraw.

FINAL DECISION AND ORDER

In light of the above facts, the above-captioned case is dismissed without prejudice.

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[1] In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student" and "Student's Mother" in place of names and other personally identifiable information.

[2] All dates are 2016 unless otherwise indicated.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20 United States Code 1415(i)(2)(A)..

Hearing Officer Signature

JANIS C. JERMAN

Hearing Officer Name in Print

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