

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent:

Attorney Nora A. Belanger
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161 East Ave. Suite 104
Norwalk, CT 06851

Appearing on behalf of the Board:

Attorney Marsha Belman Moses
Berchem Moses, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Melinda A. Powell, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Student was denied FAPE for the 2017-2018 school year, in that:
 - a. the IEP failed to provide a comprehensive program to address the Student's dyslexia, learning disabilities in reading writing and math, and speech and language disorder, including a 1:1 systematic, structured, research based reading and writing program; and/ or
 - b. the IEP failed to provide appropriate speech and language services; and/ or
 - c. appropriately trained and qualified staff were not available to meet the Student's needs; and/or
 - d. the IEP was not implemented as written, appropriate progress was not made; and/ or data collection on progress was insufficient?
2. Whether the Student was denied FAPE for ESY 2018 school year, in that:
 - a. the ESY program failed to provide a comprehensive program to address the Student's dyslexia, learning disabilities in reading writing and math, and speech and language disorder, including a 1:1 systematic, structured, research based reading and writing program; and/ or
 - b. the ESY program failed to provide appropriate speech and language services; and/ or

- c. appropriately trained and qualified staff were not available to meet the Student's needs; and/or
 - d. the ESY data collection on progress was insufficient?
- 3. Whether the Student was denied FAPE for the 2018-2019 school year, in that:
 - a. the IEP failed to provide a comprehensive program to address the Student's dyslexia, learning disabilities in reading writing and math, and speech and language disorder, including a 1:1 systematic, structured, research based reading and writing program; and/ or
 - b. the IEP failed to provide appropriate speech and language services; and/ or
 - c. appropriately trained and qualified staff were not available to meet the Student's needs?
- 4. Whether the Board violated any procedural requirements, in that:
 - a. Meetings were scheduled and held when the Parents were unavailable; and/or
 - b. Parents were not appropriately recognized as part of the team; and/or
 - c. Opinions from outside experts were not appropriately considered by the team; and/ or
 - d. Parents were not provided sufficient information regarding the program including staff qualifications?
- 5. Whether Eagle Hill is an appropriate placement for the 2018-2019 school year?
- 6. Whether the Parents are entitled to reimbursement for outside evaluations?
- 7. Whether the Parents are entitled to reimbursement for tutoring and speech services provided for the prior two years?
- 8. Whether the Parents are entitled to reimbursement for reading, tutoring and speech services for ESY 2018?
- 9. Whether the Parents are entitled to reimbursement for other related services and/ or transportation?
- 10. Whether the Student is entitled to compensatory education or other appropriate remedy?

PROCEDURAL HISTORY/SUMMARY:

The Parent filed the Due Process Complaint and Request for Hearing on August 8, 2018. The Hearing Officer was appointed on August 9, 2018. A Prehearing Conference was held on September 13, 2018. The Parent filed an Amended Due Process Complaint and Request for Hearing on September 27, 2018, and a new mailing date was set to December 11, 2018. The Hearing Officer issued a Final Decision on October 25, 2018, which stated that the Parent had advised there was a settlement reached at mediation. On November 1, 2018, the Hearing Officer received a request to clarify the Final Decision, in that the requested withdrawal was with prejudice. The Hearing Officer confirmed that in the October 11, 2018 email, the Parent had requested a withdrawal with prejudice. Therefore, the decision is hereby reissued to so reflect.

FINAL DECISION AND ORDER:

In light of the above, the matter is **DISMISSED**.