

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner
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Appearing on behalf of the Board: Attorney Marsha Moses
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Appearing before: Melinda A. Powell, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to provide the Student with an IEP that provided the Student with FAPE during the 2016-17, 2017-18 and/or 2018-19 school years, including ESY-19?
2. Whether the Board should have developed an IEP that took into account the concerns of the Parents for enhancing the Student's education for the 2016-17, 2017-18 and/or 2018-19 school years, including ESY-19?
3. Whether the Board should have developed a program that took into account the Student's unique needs and not made a categorical decision to recommend the West Rocks Middle School irrespective of the requests of the Parents for enhancing the Student's education and the school district's progress reports and evaluation reports conclusively demonstrating that the Student was being denied FAPE and not making any meaningful progress in the school district's program for the 2016-17, and/or 2017-18 school years?
4. Whether the Board should have placed the Student at Winston Preparatory School for the 2018-19 school year, including ESY-19 after receiving the Parents' October 24, 2018 request, and/or the school district should have scheduled a PPT meeting to consider that request, rather than ignoring the Parents' request altogether?
5. Whether the Board should have offered to reimburse the Parent for the costs of the

Winston Preparatory School placement including tuition and any related costs for the 2018-19 school year, including ESY-19?

6. Whether the Board should have provided the Parent with an IEE as requested on June 17, 2018 with either Dr. Kruger or Dr. Cashman, rather than ignoring that request altogether, or the school district should have initiated a Due Process hearing within a reasonable period of time following that IEE request if the school district was denying that IEE request?
7. Whether the Board should have complied with the substantive and procedural requirements set forth in the I.D.E.A. and applicable state special education statutes and state and federal regulations with respect to the development of the Student's IEP for the 2016-17, 2017-18 and/or 2018-19 school years and the provision of FAPE during the 2016-17, 2017-18 and/or 2018-19 school years, including ESY-19?
8. Whether the Board should be responsible for providing the Student with compensatory education as an appropriate equitable remedy for the denial of FAPE during the school years at issue, including, but not limited to the 2016-17, 2017-18 and/or 2018-19 school years, including ESY-19 when it failed to develop an IEP that provided the Student with FAPE, for each school year at issue?

PROCEDURAL HISTORY/SUMMARY:

The Parent(s) filed the Due Process Complaint and Request for Hearing on November 9, 2018. The Hearing Officer was appointed on November 13, 2018. A Prehearing Conference was initially noticed for November 26, 2018. The Prehearing Conference was held on January 14, 2019, and hearing dates were set. On February 26, 2019, counsel for the Parents emailed the Hearing Officer and advised that they did not wish to proceed to hearing at this time and were withdrawing the case without prejudice.

FINAL DECISION AND ORDER:

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