

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student  
Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney Howard Klebanoff  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 102  
West Hartford, CT 06110

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

Appearing before: Attorney Patricia M. Strong  
Hearing Officer

**FINAL DECISION AND ORDER**

**PROCEDURAL HISTORY**

On July 9, 2004 the Board of Education filed a due process request seeking a determination that the Board's evaluations were appropriate and that the Board need not pay for an independent psycho-educational evaluation. Hearing Officer Exhibit (HO) 1. This case (04-218) was assigned to another Hearing Officer. On July 19 the Parents filed a due process request seeking funding for a unilateral placement at Eagle Hill School, Greenwich, and an independent evaluation. The Parents also requested that their case be consolidated with the Board's case. Exhibit HO 2. The Parents' case (04-239) was assigned to this Hearing Officer. On July 26 this Hearing Officer wrote to the parties to notify them that the Parents' motion to consolidate was granted and that she would hear both cases. A prehearing conference on both cases was held on July 30. September 13 and October 6 were agreed upon as hearing dates. The Parents' attorney filed a motion to extend the decision deadline from September 3 to October 8, which was granted. The Parents and Board respectively filed hearing exhibits and witness lists with the Hearing Officer prior to the first hearing date. On September 13 the parties appeared for the hearing and requested time to discuss a settlement. After a period of time, the hearing convened on the record. The parties reported that the Parents withdrew their request for an independent evaluation and that the Mother had signed the necessary consent forms for the Board's evaluations. The Board's attorney stated that she wished to withdraw the Board's due process request. The parties requested a 60-day postponement in order to

complete and review the evaluations. The motion was granted, the October 6 hearing date was cancelled and a hearing was scheduled for November 18. The decision deadline was extended to November 30, 2004.

On October 25 the Hearing Officer wrote to the parties regarding the status of the evaluations and whether they intended to proceed with a hearing on November 18. The Parents' attorney reported on October 26 that the evaluations had been completed but that the parties had not met to discuss them. He requested a postponement of the November 18 hearing so that the parties could continue to discuss a settlement. On November 1, the Board's attorney wrote that she had no objection to the postponement. On November 4, the Hearing Officer notified the parties that she was canceling the November 18 hearing and asked the parties for an alternate hearing date. On November 8 the Parents' attorney wrote to the Hearing Officer requesting to proceed with the hearing on December 7. On November 11, the Hearing Officer issued an order granting the postponement of the November 18 hearing until December 7 and extended the decision deadline to December 31, 2004. On December 7 the parties appeared and were given time to discuss a settlement. After a period of time they reported that they had reached an agreement. The hearing convened on the record and the parties requested a two-week continuance to execute a written agreement. The parties were advised that the case would be dismissed. The Parents' attorney was granted until December 21 to inform the Hearing Officer whether the dismissal should be with or without prejudice. As of December 29, 2004 no letter was received from the Parents' attorney.

### **FINAL DECISION AND ORDER**

It is ordered that both cases be dismissed without prejudice.