

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney James Woods
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Appearing on behalf of the Board: Attorney Marsha Belman Moses
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75 Broad Street
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Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to provide the Student with a free appropriate public education [FAPE] from April 6, 2007 to the date of the filing of this hearing request in the 2006-07, 2007-08 and 2008-09 school years.
2. Whether the Board failed to evaluate the Student.
3. Whether the Board failed to accept the Parents' independent educational evaluation of the Student.
4. Whether the Student is entitled to compensatory education.

SUMMARY:

The Board received this request for hearing on April 6, 2009 and prehearing conferences convened on April 20, 2009 and April 24, 2009.

The Board's attorney submitted a Motion to Dismiss on May 20, 2009 based on a claim that the Parents had failed to cooperate in scheduling a resolution meeting. While the Board had submitted documentation regarding attempts to contact the Parent to schedule a resolution meeting or mediation, the Board had an affirmative obligation to convene a resolution meeting within 15 days of the receipt of the hearing request. The regulations provide that "[w]ithin 15 days of the parent's due process

complaint . . . the LEA *must convene* a [resolution] meeting. 34 C.F.R. Sec. 300.510(a). The Board failed to convene the meeting. Furthermore, no evidence has been offered that the Board notified the Parents of a scheduled resolution meeting. Therefore, the Motion to Dismiss was denied, and the hearing proceeded.

The hearing convened on June 11, 2009, at which time the parties indicated that they were close to settlement, and requested that the case be continued to June 26, 2009. The counsel for both parties also requested that the mailing date of the decision be extended 30 days, which was granted.

The hearing convened on June 26, 2009. At the hearing, the Board representative was present, as well as the Board's attorney. The Parents and their counsel were not present. The Board's attorney stated that the settlement was almost finalized, but the agreement had not yet been executed by the parties.

By facsimile on June 26, 2009, the Parents' counsel submitted notification that the settlement documents had been delivered to Board's counsel, and indicated that he would notify the hearing officer when he confirmed that the agreement had been signed by the Board. No further notification was received.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.