

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Office of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Michael McKeon
Pullman & Comley, LLC
90 State House Square
Hartford, CT 06103

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Norwalk Board of Education (“Board”) deny the Student a free and appropriate public education (“FAPE”) for the academic years (starting August 31, 2011 and forward) 2011-2012 and 2012-2013 by failing to provide the services required by the respective Individualized Education Programs (“IEP”)?
2. Did the Board fail to provide the Student a FAPE for the 2011-2012 and 2012-2013 academic years by failing to provide the Student the appropriate services, at the appropriate levels?
3. Did the Board fail to provide the Student a FAPE for the Extended School Year (“ESY”) 2011-2012 by failing to provide the services required in the respective IEPs, at the level and duration required by the IEP?
4. Did the Board commit procedural violations by failing to implement the IEPs offered and failing to provide IEP related services to the extent that the Student was denied a FAPE?
5. If the answer to Issues one (1) through three (3) is yes, what is the appropriate remedy and are the Parents due reimbursement for appropriate expenses accrued in mediating the Board’s failure to provide FAPE?
6. If the answer to Issue four (4) is yes, what is the appropriate remedy?
7. If the answer to any issue raised above is yes, are compensatory services appropriate, and if so, to what extent?

PROCEDURAL HISTORY:

This hearing was initially requested on 3/14/13, with the original Final Decision and Order date being 5/28/13.

On 4/11/13 the Parties requested postponement of the Due Process hearing scheduled for 5/08/13 to allow the Parties to utilize that date for mediation, and to re-schedule the Due Process Hearing date.

On 4/11/13 the Parties agreed to move the 5/08/13 due process hearing date to 6/04/13, and to jointly request an extension of the Final Decision and Order date. The request to move the hearing date and to extend the Final Decision and Order date was granted.

On 5/31/13 the Parties agreed to move the 6/04/13 due process hearing date and to jointly request an extension of the Final Decision and Order date. The request to move the hearing date and to extend the Final Decision and Order date was granted.

On July 4, 2013, counsel for both parties requested that the hearing be postponed for several reasons; one, that counsel for the Board was required to be in federal court for a different matter and two, one of the primary Board witnesses would be out of the state for that week. Counsel for the Student indicated that the current placement of the Student was such that there would be no detrimental effect to the Student by the postponement. This postponement also required an extension of the Final Decision and Order date for thirty days and was so ordered.

On July 17, 2013 the Parties notified the Hearing Officer that mediation would not be available to the Parties until early September. The Parties made a request to postpone the July 23, 2013 hearing date and to extend the Final Decision and Order date to accommodate the September mediation date.

On September 5, 2013, Counsel for the Parents requested a postponement of the due process hearing date, scheduled for September 13, 2013. Counsel also requested an extension of the Final Decision and Order date to allow for the due process hearing to occur. The new hearing date was scheduled for September 24, 2013; the extended Final Decision and Order date was moved to October 23, 2013.

On September 10, 2013, Counsel for the Parents notified the Hearing Officer, via email, that the Parties had reached agreement and that the Parents were withdrawing their request for a due process hearing, with prejudice.

FINAL DECISION AND ORDER:

On September 10, 2013, the Parents, through counsel, withdrew their request for a due process hearing with prejudice, in writing. With no further issues to be decided in this matter, it is hereby DISMISSED with prejudice.