

January 27, 2014

Final Decision and Order 14-0137

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parent:

Attorney Lawrence Berliner  
Law Office of Lawrence Berliner, LLC  
1720 Post Road East, Suite 214E  
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Michael McKeon  
Pullman and Comely, LLC  
90 State House Square  
Hartford, CT 06103-3702

Appearing before:

Robert L. Skelley, Esq., Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Norwalk Board of Education ("Board") offer the Student a free and appropriate public education for the 2013-2014 academic year (commencing from June 25, 2013)?
2. If not, does the Winston Preparatory School offer the Student a FAPE, and if so, is the Board responsible to reimburse the Parents?
3. Was the Board procedurally non-compliant, resulting in a denial of a FAPE, through the improper planning and placement team ("PPT") notice provided to the Parents?

**PROCEDURAL HISTORY:**

The complaint was initially filed on August 19, 2013. The initial final decision and order date was set for November 1, 2013. A prehearing conference was held on September 9, 2013, in which the issues were identified and initial hearing dates of November 14 and November 15, 2013 were set. The Parties requested to reschedule the hearing dates to allow for mediation, and to extend the final decision and order date for settlement purposes. The request was granted; the final decision and order date was set for November 25, 2013. Due to an emergency situation with a Board staff member, the hearing dates were rescheduled to December 11, 2013, with the final decision and order date extended to December 24, 2013. The Parties attended mediation and tentatively reached an agreement and requested that the December 11, 2013 hearing date be rescheduled to allow the Parties to formalize the agreement. The hearing date was moved to January 10, 2014, with a final decision and order date set for January 23, 2014. Counsel for the Board subsequently was required to attend a hearing in Federal Court on January 10, and requested a two week extension of the hearing date. The hearing date was set for January 27, 2014, with a final decision and order date set for January 30, 2014. On January 24, 2014, Counsel for the Parents withdrew the complaint, in writing, stating that the matter had been resolved.

**FINAL DECISION AND ORDER:**

On January 24, 2014, Counsel for the Parents withdrew the complaint. With no further issues to be decided, this matter is DISMISSED.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).

  
Hearing Officer Signature

Robert L. Skelley, Esq.

\_\_\_\_\_  
Hearing Officer      Name in Print