

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Attorney Andrew A. Feinstein
Law Office of David C. Shaw
34 Jerome Avenue – Suite 210
Bloomfield, Connecticut 06002

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

Appearing before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

SUMMARY:

The student is a seven and ½ years-old young man who has been diagnosed as autistic and is eligible for special education and related services as defined on 20 U.S.C. Section 1401 et seq. The parents requested a due process hearing because they were of the opinion that the Board's program was not appropriate. They were also seeking an independent evaluation and reimbursement for home programming. On January 18, 2001, the parent's attorney requested an enlargement of time in order to allow more time for hearing dates. This request was granted.

The matter came to a hearing on two occasions. Before the second due process hearing date, March 3, 2001, the parents' attorney, the Board's attorney and the hearing officer had a pre-hearing conference. The parents' attorney stated that the matter had been settled and requested a continuance of the March 1, 2001 hearing date. The hearing was not continued and the parties agreed that at the March 1, 2001 hearing, I would put on the record that the matter was settled and that the parents' attorney would submit a letter that the matter had been settled. This letter would be sent by March 9, 2001 or the matter would be dismissed. The hearing dates that were scheduled were canceled. This was all put on the record.

On March 6, 2001, the parents' attorney submitted a letter stating that the matter did not settle and he would be going forward on March 9, 2001. The parties in reliance to the parents' attorney's statement that the matter had settled, scheduled other matters on the hearing dates. The recommended hearing dates were beyond the enlargement date for the

final order and decision, so the matter was dismissed as had originally been stated on the record. On March 15, 2001 a copy of a letter was received from the parents requesting a new due process hearing.

FINAL DECISION AND ORDER:

THE DUE PROCESS HEARING IS **DISMISSED** WITHOUT PREJUDICE.