

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents: Atty. David C. Shaw, Law Offices of David C. Shaw, LLC, 34 Jerome Avenue, Suite 210, Bloomfield, CT 06002-2463

Appearing on behalf of the Norwalk Board of Education: Atty. 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

The Parents filed a due process hearing request with the State Department of Education (SDE) and the Norwalk Board of Education on June 1, 2007. This Hearing Officer was assigned to the case on June 5. A prehearing conference was held on June 21. At the prehearing conference the parties agreed to mediate and hearing dates were scheduled for July 18, 19 and 25. The decision deadline was set at August 14. On July 10 the Hearing Officer was notified that mediation was scheduled for July 18. The Parents' attorney requested a postponement of the July 18 hearing, which was granted. The hearing convened on July 19. Parent Exhibits P-1 through P-149 and Board Exhibits B-1 through B-127 were entered as full exhibits. Following the Parents' opening statement, the Parents presented testimony from Eileen Luddy, Ph.D., who testified on direct examination for the remainder of the day. Her curricula vita was entered as Exhibit P-150. Additional hearing dates were agreed on for August 7, 16, 28 and 30 and September 10, 18 and 20. The decision deadline was extended to October 15, 2007.

The Parents agreed to the extension, but wanted to know where the Student would attend school on August 29, the first day of school. The Hearing Officer asked the attorneys to attempt to agree on the issue. If there were no agreement, the Parents' attorney would file a motion for an interim order. On July 23, the SDE sent a notice that the parties had not reached an agreement at the July 18 mediation and to proceed with the hearing. The hearing continued on July 25 with Dr. Luddy. The Parents filed additional exhibits P-151-153. The parties requested time to discuss a possible settlement, which was granted. After two hours, the attorneys reported that they had an oral agreement on all but one important issue, which could not be resolved that day. The remainder of the hearing date was postponed. The attorneys were advised to report by August 3 whether the case was settled. On August 3, the Parents' attorney asked to extend the reporting time to August

6. On August 6, he requested a two-week postponement to finalize the settlement agreement and to obtain signatures. The Hearing Officer wrote to the parties and advised them that the case would be dismissed. The hearings scheduled for August 7 and 16 were canceled. On August 17, the Hearing Officer wrote to the parties that the remainder of the hearings scheduled for August 28 and 30 and September 10, 18 and 20 were canceled and that the SDE would mail the dismissal decision to them.

FINAL DECISION AND ORDER

It is ordered that this case be dismissed.