

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Norwalk Board of Education

Appearing on behalf of the Student:

Attorney Dana Jonson  
13 Starr Lane  
Bethel CT 06801

Appearing on behalf of the Norwalk:  
Board of Education

Attorney Michael McKeon  
Pullman & Comley, LLC  
90 State House Square  
Hartford, Ct 06103

Appearing before:

Attorney Ann F. Bird  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Did the Norwalk Board of Education (“Board”) fail to provide the Student with a free and appropriate public education (“FAPE”) for the extended school year (“ESY”) summer session of 2014, and the 2014-2015 academic years by failing to provide the Student with an individualized education program (“IEP”) tailored to the Student’s specific needs?
2. Are the Parents entitled to reimbursement for their unilateral placement of the Student at the Speech Academy for the 2014-2015 academic years, inclusive of the 2014 summer ESY period?
3. Is the Speech Academy an appropriate placement for the Student?
4. If the answer to issues 2 and 3 is “YES”; are the Parents entitled to transportation costs for the unilateral placement of the Student at the Speech Academy?
5. Has the Board committed a procedural violation by not having a valid IEP for the Student over the course of the last four years? If the answer is “YES”, does this rise to the level of a denial of FAPE for the Student?

**PROCEDURAL HISTORY:**

The Student filed this request for special education due process hearing on March 19, 2015. Hearing Officer Robert Skelley was appointed to hear the case on March 20, 2015. A prehearing conference was conducted on May 8, 2015. Attorney Dana Jonson appeared on behalf of the Student. Attorney Michael McKeon appeared on behalf of the Norwalk Board of Education. At that time, the deadline for submitting the final decision was established to be June 3, 2015. A hearing was scheduled for May 19, 2015.

On May 14, 2015, the hearing was reassigned to Hearing Officer Ann Bird.

On May 19, 2015, the parties participated in mediation and reached a tentative settlement in the case. On May 28, 2015, the Student submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to July 1, 2015. The purpose of the requested postponement and extension was to allow the parties time to document their settlement, reached in principal. The Board of Education agreed to the requested postponement and it was granted.

On June 30, 2015, the Student submitted a written request for a short postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to July 6, 2015. The purpose of the requested postponement and extension was to allow the parties time to exchange the finalized settlement document, which has been delayed due to a death in counsel for the student's family and it was granted.

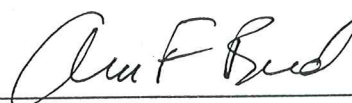
On July 2, 2015 the Board reported that the dispute had been resolved, and requested that the case be dismissed with prejudice.

**FINAL DECISION AND ORDER:**

It is ordered that the Board's request for dismissal is granted and this matter is dismissed with prejudice.

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).



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Hearing Officer Signature

ANN F BIRD

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Hearing Officer          Name in Print