

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student and Norwalk Board of Education

Appearing on behalf of the Student: Attorney Lawrence Berliner  
Law Office of Lawrence Berliner, LLC  
1720 Post Road East, Suite 214E  
Westport, CT 06880

Appearing on behalf of the 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 Board of Education refer the Student in a timely manner?
2. Did the Board of Education evaluate the Student in a timely manner?
3. Did the Board of Education identify the Student as eligible for special education or related services in a timely manner?
4. Did the Board of Education offer the Student a free appropriate public education from August 26, 2014 to the present?
5. If not, is the Student's unilateral placement at the Beacon School appropriate?
6. If so, is the Student entitled to reimbursement for the expense of the unilateral placement for the 2014-2015 School Year including the 2015 Extended School Year and/or placement for the 2015-2016 School Year?
7. If the Board of Education did not offer the Student a free appropriate public education for the 2014-2015 School Year and/or did not timely refer, evaluate or determine the Student's eligibility, is the Student entitled to compensatory education services?

**PROCEDURAL HISTORY:**

The Student requested a special education due process hearing in the above-captioned matter on July 31, 2015. The Impartial Hearing Officer was appointed to hear the case on August 6, 2015. A telephonic pre-hearing conference was conducted on August 26, 2015. Attorney Michael McKeon appeared on behalf of the Board of Education and Attorney Lawrence Berliner appeared on behalf of the Student. Evidentiary hearings were scheduled for October 20, 2015 and October 27, 2015, and the deadline for filing the final decision was established to be October 14, 2015.

On October 6, 2015, the Student reported that the parties had reached a tentative agreement for resolution of the case and requested that the hearings be postponed to November 20, 2015 and that a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case be granted to November 13, 2015. The purpose of the requested postponement and extension was to allow the parties time to finalize their settlement agreement. The Board of Education joined in the requested postponement and change of hearing dates and it was granted.

On November 11, 2015, the Board requested a one-week postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to November 20, 2015. The purpose of the requested postponement and extension was to allow the parties time to execute their settlement agreement. The Student did not take a position on the request and it was granted.

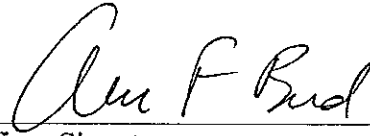
On November 16, 2015, the Student submitted a written request that the matter be dismissed.

**FINAL DECISION AND ORDER:**

It is ordered that the request of the Student for dismissal is granted and 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

ANN F BIRD

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