

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. 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: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06770

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

1. Did the District violate its Child Find obligations by not referring the Student for a Planning and Placement Team ("PPT") in the period of time beginning with the start of the 2013-2014 school year and ending on November 10, 2015?
2. What is the applicable statute of limitations for Student's Child Find violation claim?
3. Did the District err when it did not find the Student eligible for special education under the eligibility category of Specific Learning Disability at the January 12, 2016 PPT meeting or at any PPT meeting thereafter?
4. Did the District fail to provide Student with a Free Appropriate Public Education ("FAPE") during the 2014-2015 school year?
5. Did the District fail to provide Student with a FAPE during the 2015-2016 school year?
6. Did the District fail to provide Student with a FAPE during the Extended School Year ("ESY") during the summer of 2016?
7. Does the Student require an out of district placement and, if so, is the program provided by Eagle Hill School, where the Student was unilaterally placed by Parents for ESY in the summer of 2016 and for the 2016-2017 school year, appropriate?
8. Are parents entitled to reimbursement of Dr. Michael Cohen's supplemental report and the costs of his attendance at the May 9, 2016 PPT meeting?
9. Is the Student entitled to compensatory education?

PROCEDURAL HISTORY AND SUMMARY:

On August 16, 2016, the Board received a request for a special education due process hearing filed by the Attorney for the Parents. On August 18, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. During the prehearing conference held on September 22, 2016, hearing dates of November 9, 2016,

October 26, 2016

Final Decision and Order 17-0098

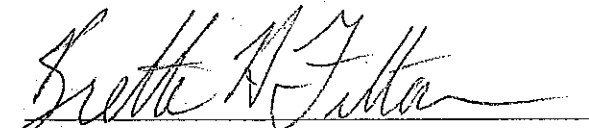
November 17, 2016 and November 28, 2016 were set and the deadline for mailing the final decision and order was established as October 28, 2016. On September 22, 2016, Attorney for the Parent submitted a written request for an extension of the mailing deadline in order to accommodate the agreed upon hearing date schedule. After a consideration of all of the relevant factors set forth under R.C.S.A. §10-76h-9(d) this request was granted and resulted in a new deadline of November 25, 2016. On October 24, 2016, Attorney for the Parents withdrew their hearing request without prejudice.

FINAL DECISION AND ORDER:

In light of the above facts, the case 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

Brette H. Fitton
Hearing Officer Name in Print