

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Student:

Attorney Lawrence Berliner
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Appearing on behalf of the Board:

Attorney Marsha Moses
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Appearing Before:

Attorney Susan Dixon
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Should Norwalk Public Schools have followed the professional recommendations provided by the Adelbrook staff for continuing the Student's placement at Adelbrook therapeutic residential school for the 2018-19 and/or 2019-20 school years, including ESY-19 and did that result in a denial of a Free and Appropriate Public Education ("FAPE") to Student?
2. Should Norwalk Public Schools have provided the Parent with names of therapeutic residential schools that were located within sixty minutes from the Parent, rather than ignoring that request and repeating the offer of Oak Hill School?
3. Should Norwalk Public Schools have provided the Parents with the names of alternative evaluators who could assess the Student's on-going need for a placement at a therapeutic residential school rather than providing the name of Oak Hill, a program that was unable to complete such assessments since it was located more than sixty minutes from the Student's home, the outer limit for transportation per state regulations? Did Norwalk Public Schools deny FAPE by referring the Parent to "appropriate social services state agencies" in order to abrogate its responsibility to provide the Student FAPE, especially when it knew that DDS and/or DCF only find non-educational placement; in that it knew or should have known that the Parent's previous applications to DCF and/or DDS have been denied, and it knew or should have known that based upon its negotiations with Adelbrook, that Adelbrook was unable to locate any alternative sources of funding through DCF, DDS, or private insurance, as subsequently confirmed in Adelbrook's June 3, 2019 and/or June 11, 2019 letters?

4. Did Norwalk Public Schools fail to comply with the substantive and procedural requirements set forth in the I.D.E.A. and applicable state special education statutes and state and federal regulations with respect to the development of the Student's IEP for the 2018-19 and/or 2019-20 school years and the provision of FAPE during ESY-19-20?
5. Should Norwalk Public School be responsible for providing the Student with compensatory education as an appropriate equitable remedy for the denial of FAPE during the school years at issue, including, but not limited to the 2018-19, and/or 2019-20 school years, including ESY-19 in that it failed to develop an IEP that provided the Student with FAPE, failed to provide any in home supports, failed to provide any ESY-19 services between June 11, 2019 and July 9, 2019, and the school district unilaterally deciding to cause the termination of the Student's appropriate program and placement at the Adelbrook therapeutic residential school?
6. Did the dismissal of the Student from Adelbrook caused by Norwalk Public School's failure to resolve the billing dispute with Adelbrook cause the Student's PPT placement to be placed at risk?
7. Did the Norwalk Public School's decision to ignore the Parent's request to continue the PPT placement at the Adelbrook therapeutic residential school cause a denial of FAPE to Student?

PROCEDURAL BACKGROUND:

Counsel for the Board filed this Request for a Due Process Hearing on July 10, 2019. The Hearing Officer was assigned on July 11, 2019. A Prehearing Conference was scheduled and held on July 22, 2019. A hearing was scheduled for August 27, 2019, with a date for mailing the final decision of September 24, 2019. On July 25, 2019, counsel for the Student notified the Hearing Officer that the parties had reached an agreement and he would be withdrawing the case without prejudice.

FINAL DECISION AND ORDER:

The case is DISMISSED without prejudice.

