

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Norwalk Board of Education and Student

Appearing on behalf of the Student:

Attorney Lawrence W. 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, P.C.
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

The following issues have been identified for determination at the hearing:

1. Is the Board of Education's Speech and Language Evaluation appropriate?
2. If not, is the Student entitled to an independent speech and language evaluation at public expense?

PROCEDURAL HISTORY:

The Norwalk Board of Education initiated this special education due process case on December 31, 2019. The Impartial Hearing Officer was assigned to the case on January 2, 2020. A Prehearing Conference was convened on January 20, 2020. Attorney Marsha Moses appeared on behalf of the Board of Education. The Student did not appear. It was established that the deadline for filing the final decision in this case was February 14, 2020. An evidentiary hearing was scheduled for March 9, 2020. On January 20, 2020, the deadline to conduct the hearing and to file the final decision was extended to March 13, 2020.

On February 20, 2020, Attorney Lawrence Berliner appeared on behalf of the Student. Attorney Berliner requested that the evidentiary hearing be rescheduled and a Prehearing Conference convened. Both requests were granted. The deadline to file the final decision was extended again on the request and with the consent of the parties on various occasions to accommodate a new hearing schedule and because of the COVID-19 Pandemic. The most recently extended deadline for issuing the final decision is October 2, 2020.

On July 23, 2020, a hearing was convened. At that time, it became clear that additional hearings would be necessary to complete the case and additional hearings were scheduled for August 25, 2020, September 9, 2020 and September 10, 2020.

On August 18, 2020, the Board of Education reported that the parties were working on a settlement and requested that the hearing of August 25, 2020 be cancelled. The Board of Education's request was granted.

On September 2, 2020, the Board of Education reported that the Student had withdrawn the request for an independent evaluation with prejudice and that, as a result, the Board of Education requested that the matter be withdrawn or dismissed with prejudice.

FINAL DECISION AND ORDER:

The Board of Education's request is granted and the matter is dismissed with prejudice.