

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

Appearing on behalf of the Parents:

Attorney Anne Treimanis  
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Norwalk, CT 06851

Appearing on behalf of the Board:

Attorney Marsha Moses  
Berchem Moses, PC  
75 Broad St.  
Milford, CT 06460

Appearing before:

Attorney Susan Dixon  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

A) Whether the District failed to provide Student with a Free and Appropriate Public Education (“FAPE”) for the academic year 2019-20 in that it failed to appropriately address behavioral, social, academic and emotional issues as set forth in Student’s Request for Due Process Hearing as follows:

1. The District failed to provide an intensive structured appropriate program;
2. The District failed to appropriately address social issues;
3. The District failed to appropriately address the Student’s behavior issues;
4. The District failed to address emotional issues;
5. The District failed to provide a program in which the Student would progress and be challenged in academics;
6. The District failed to teach the Student how to read;
7. The District failed to offer a program that would keep the Student academically, socially and emotionally safe;
8. The District failed to provide sensory strategies to keep the Student regulated and available to learn;
9. The District failed to provide highly qualified staff; and a caring, nurturing and safe environment for the Student.

B) Did the District violate FAPE by means of procedural violations in that it failed to allow the

Parents to be meaningful participants in the IEP team process; ignored the Parent requests for help, fail to provide data and records that were requested by the Parents, and fail to meaningfully respond to outside professionals?

- C) 1. Should the District provide outplacement at an appropriate school for the remainder of this school year, Extended School Year and also next year at an appropriate school, such as IPP in Stratford, CT with the District being responsible for tuition and other educational costs, including transportation? 2. Should the District provide compensatory education for the spring 2019 (February through June), summer 2019, and the 2019/2020 school year, and that provide afterschool reading instruction, with appropriate tutors, such as Fit Learning in Greenwich, CT?

#### **PROCEDURAL BACKGROUND:**

The Student filed this Request for a Due Process Hearing on February 18, 2020. The Hearing Officer was assigned on February 18, 2020. A Prehearing Conference was held on February 24, 2020, and hearing date was set for April 17, 2020 with a date for mailing the final decision of May 1, 2020. The parties engaged in ongoing mediation. An extension of time was requested to reset the hearing date to May 21, 2020 and decision mailing date reset to June 15, 2020. A subsequent extension was requested and granted, due to the ongoing negotiations and the statewide closing of district facilities; therefore, the hearing date set for July 16, 2020 with the decision date of August 12, 2020. On June 29, 2020, Counsel for the Student reported that the matter had been settled and the request for due process has been withdrawn with prejudice. Accordingly, the matter is dismissed with prejudice.

#### **FINAL DECISION AND ORDER:**

The case is DISMISSED with prejudice.