

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Student¹ v. Stamford Board of Education and Norwalk Board of Education

Appearing on behalf of Student:

Attorney Jillian Griswold
Feinstein Education Law Group, LLC
86 Denison Avenue
Mystic, CT 06355

Appearing on behalf of Stamford Board of
Education and Norwalk Board of Education:

Attorney Marsha Moses
Berchem Moses PC
75 Broad Street
Milford, CT 06460

Appearing before:

Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by Student's Attorney via letter dated March 15, 2021.² The Stamford Board of Education ("Stamford BOE") received it on March 15 and the Norwalk Board of Education ("Norwalk BOE") received it on March 15. The 30-day resolution period ended April 14 and the 45-day deadline to mail the final decision and order is May 29.

A telephonic pre-hearing conference was held on March 29. Attorney Griswold appeared on behalf of Student and Attorney Moses appeared on behalf of Stamford BOE and Norwalk BOE.³ The following issues are identified:

1. Did Norwalk Board of Education offer Student a free appropriate public education when it denied Student's Parents' request for placement in a therapeutic residential setting?
2. If the answer to Issue One above is in the negative, is Grove School an appropriate placement for Student?
3. If the answer to Issue Two above is in the affirmative, are Student's Parents entitled to reimbursement for Student's tuition and expenses at Grove School?
4. Did Norwalk Board of Education provide Student a free appropriate public education during the 2019-20 school year?
5. Did Norwalk Board of Education provide Student a free appropriate public education during the 2020-21 school year?

¹ To comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

² All dates are 2021 unless otherwise indicated.

³ The prehearing conference began with a discussion about any potential conflict of interest due to Attorney Moses representing both BOEs. She indicated that both BOEs agreed that she will represent them and that if circumstances change she will withdraw and both BOE's will retain other counsel.

6. If the answers to Issues Four and/or Five above are in the negative, what shall be the remedy?
7. Did Stamford Board of Education appropriately implement Student's Individualized Education Program during the 2019-20 school year?
8. Did Stamford Board of Education appropriately implement Student's Individualized Education Program during the 2020-21 school year?
9. If the answers to Issues Seven and/or Eight above are in the negative, what shall be the remedy?
10. Are Student's Parent's entitled to reimbursement for Student's December 2, 2020 psychoeducational evaluation and/or for private mental health services during the 2019-20 and/or 2020-21 school years?

The parties agreed to participate in mediation. Hearing was scheduled for May 4. On April 26, Student's Attorney indicated that the parties had reached an agreement and were finalizing a settlement agreement. April 30, Student's Attorney requested to withdraw the matter with prejudice.

FINAL DECISION AND ORDER

The above-captioned case is dismissed with prejudice.