

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Norwalk Board of Education

On behalf of the Parents:

Attorney Jennifer D. Laviano
77 Danbury Road
Suite C-6
Ridgefield, CT 06887

On behalf of the Board of Education:

Attorney Marsha Belman Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Hearing Officer:

Stacy M. Owens, Esq.

FINAL DECISION AND ORDER

ISSUES:

1. Whether the Board failed to provide an appropriate program for the 2001-2002 school year.
2. Whether the Board failed to offer an appropriate program for the 2002-2003 school year including extended school year services.
3. Whether the Board failed to convene a PPT to plan for the 2002-2003 school year.
4. Whether the Board failed to offer an appropriate program and placement for the 2003-2004 school year.
5. Whether the Board failed to properly evaluate the Student.
6. Whether the Board should reimburse the parents for their privately obtained evaluations conducted by Dr. Michael Powers.
7. Whether the Board should reimburse the parents for their privately provided ABA program, including related services of speech and language and occupational therapy.
8. Whether the Student is entitled to compensatory education.

SUMMARY/PROCEDURAL HISTORY

By letter dated August 19, 2003, Attorney Jennifer Laviano, on behalf of the Parents, requested a hearing in the above-stated matter. On August 20, 2003, the undersigned was appointed as hearing officer to preside over the hearing, rule on all motions, determine findings of fact and conclusions of law, and issue an order.

A prehearing conference was scheduled for August 28, 2003. By letter dated August 25, 2003, Attorney Marsha Belman Moses, for the Board, requested the prehearing conference be rescheduled due to her unavailability. The prehearing conference was rescheduled for August 27, 2003. During the prehearing conference, both Attorney Laviano and Attorney Moses appeared. Dates for hearing were selected and the issues were discussed. Hearings were scheduled for September 23 and 30, 2003.

On September 22, 2003, a message was left on the voicemail of the undersigned from Attorney Laviano's Paralegal, Laura Borofsky, indicating Attorney Laviano was out-of-state and there was a chance she would not be able to make the hearing scheduled for the next day due to inclement weather conditions impeding her ability to travel home. Ms. Borofsky stated she informed Attorney Moses of the circumstances and a memo early the next morning would be faxed to inform the Hearing Officer and Attorney Moses as to whether a postponement of the September 23, 2003 hearing would be requested. On September 23, 2003 at 7:30 a.m., Ms. Borofsky faxed a request for postponement of the hearing, which was granted.

The hearing convened on September 30, 2003. Prior to calling the hearing to order, the parties engaged in settlement discussions. After calling the hearing to order, Attorney Laviano and Attorney Moses indicated on the record that the parties reached an agreement, but required additional time to reduce such agreement to writing. As such, the parties requested a postponement and extension of the deadline for thirty days to allow time to execute a written agreement or otherwise proceed with the hearing. The request for postponement and extension of the deadline was granted on the record. The deadline for the parties to inform the Hearing Officer of their agreement or need to proceed with a hearing was October 30, 2003.

As of the date of this decision, the undersigned has not heard from the parties.

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The matter is **dismissed** without prejudice.