

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Fairfield Board of Education v. Student

Appearing on behalf of the Parents: Pro Se

Appearing on behalf of the Board: Attorney Michelle Laubin
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the Triennial Evaluations performed by the Board in December 2015 appropriate?
If not;
2. Is the Student entitled to an independent educational evaluation at public expense??

SUMMARY and PROCEDURAL HISTORY:

The Student has been identified with Specific Learning Disability and is entitled to receive FAPE as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq.

At a planning and placement team (PPT) meeting, the Parents disagreed with the Triennial Evaluation performed by the Board and requested an Independent Educational Evaluation and a neurological evaluation at public expense. The Board refused the Parents' request and the Board filed for due process. The parties agreed to a resolution meeting. The date was pending.

An impartial hearing officer was appointed on November 28, 2016 and a pre-hearing conference was held on December 13, 2016. At the pre-hearing conference the Board informed the hearing officer that they were withdrawing their request for due process because the Parents had withdrawn their request for independent evaluations. In an electronic transmission, the Parents advised the hearing officer that they were withdrawing their request for independent evaluations. The date for mailing the Final Decision and Order is January 6, 2017.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).



Hearing Officer Signature

Justino Rosado
Hearing Officer Name in Print