

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

North Branford Board of Education v. Student

Appearing on behalf of the Parents: Attorney Jennifer D. Laviano  
The Law Offices of Jennifer D. Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Board's speech-language evaluation of the Student conducted in May 2006 appropriate?
2. If not, are the Parents entitled to an independent speech and language evaluation at public expense?
3. Is the Board's educational evaluation of the Student conducted in May 2006 appropriate?
4. If not, are the Parents entitled to an independent academic evaluation at public expense?
5. Is the neuropsychological evaluation of the Student conducted by Dr. Mary Prevey in March 2008 appropriate?
6. If not, are the Parents entitled to an independent psychological evaluation at public expense?

**PROCEDURAL HISTORY:**

The Board's attorney faxed and mailed a letter requesting a due process hearing to the State Department of Education, which was received on June 14, 2010. This Hearing Officer was assigned to the case on June 15, 2010. On June 23, 2010, a prehearing conference was held with the Board's attorney and the Parent (Mother). She thought that the case had been resolved with the Board's Director of Special Services. The Board's attorney stated that she would withdraw the case if the Parents agreed to certain conditions outlined in her correspondence. The parties were advised to talk with each other to see if the case could be settled. A hearing date was scheduled for July 22, 2010 and the mailing date for the final decision was set at July 29, 2010. On July 15, the Board filed its list of witnesses and exhibits. The Parents did not file any. On July 20, 2010, the Board filed a supplemental witness list and an additional exhibit. On July 20, 2010, Atty. Laviano filed an appearance for the Parents and a request to postpone the July 22, 2010 hearing, which the Board opposed. The Parents' attorney stipulated in her letter that the Parents were no longer requesting the three independent evaluations at issue and asked that the case be withdrawn or dismissed. The Board's attorney sent a letter to the Hearing Officer by e-mail at 6:30 p.m. On July 21, 2010, the Hearing Officer advised the parties that after reviewing the correspondence from the attorneys, the postponement was denied.

The hearing convened on July 22, 2010. The Parents, the Board's Director of Special Services and the parties' attorneys were present. The parties were granted time to discuss settlement. The hearing convened on the record after they advised the Hearing Officer that a written settlement had been made and signed. The Board withdrew its hearing request without prejudice based on the Parents' withdrawal of their request for the independent evaluations and their agreement that if the case was refiled, it would be assigned to this Hearing Officer.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed without prejudice.