

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Groton Board of Education v. Student

Appearing on behalf of the Parents: Attorney Lawrence W. Berliner  
Klebanoff & Alfano, P.C.  
433 South Main Street, Suite 105  
West Hartford, CT 06110

Appearing on behalf of the Board: Attorney Michelle C. Laubin  
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 psychological evaluation of the Student conducted in January and February 2010 appropriate?
2. If not, are the Parents entitled to an independent 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 May 28, 2010. This Hearing Officer was assigned to the case on June 2, 2010. On June 10, 2010, a prehearing conference was held with the attorneys for the Board and the Parents. Two hearing dates were agreed on for July 12, 2010 and July 15, 2010 which was beyond the July 12, 2010 mailing date for the final decision. On June 25, 2010, the Board’s attorney sent a letter advising the Hearing Officer that a critical witness was not available on the dates agreed on. The Board’s attorney requested that the hearing be postponed to the last week of July when the witness returned from her vacation and that the mailing date for the final decision be extended to allow for scheduling mutually agreeable hearing dates and settlement discussion between the parties. The requests were granted on June 29, 2010 the hearing was rescheduled for August 18, 2010 and the mailing date for the final decision was extended to September 13, 2010. The Board’s attorney advised the Hearing Officer that she and her client would be on vacation during the week of August 18, 2010 and requested another hearing date. On June 30, 2010, the Parents’ attorney requested a hearing date prior to August 18, 2010 or, in the alternative, that the Board withdraw its hearing request without prejudice. On July 6, 2010, the Hearing Officer advised the parties that prior dates were unavailable because of her vacation and offered the parties the weeks of August 23, 2010 and August 30,

2010. On July 19, 2010, the parties' attorneys advised the Hearing Officer that a hearing date could not be agreed on until mid September.

On July 23, 2010, the hearing was rescheduled to September 13, 2010 by agreement of the parties and the mailing date for the final decision was extended to October 7, 2010. On July 29, 2010, the Board's attorney wrote a letter withdrawing its hearing request based on its agreement to fund the independent evaluation without prejudice to its position that the Board's evaluation was appropriate.

### **FINAL DECISION AND ORDER**

It is ordered that this case shall be dismissed.