

August 1, 2011

Final Decision and Order 11-0494

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student

Appearing on behalf of the Parents:

Attorney Marisa Mascolo
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433 South Main Street, Suite 105
West Hartford, CT 06110

Appearing on behalf of the Board of Education:

Attorney Christine Chinni
Chinni & Meuser LLC
30 Avon Meadow Lane
Avon, CT 06001

Appearing before:

Attorney Mary Elizabeth Oppenheim
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the Board's assistive technology and reading evaluations of the Student are appropriate.

PROCEDURAL HISTORY/DISCUSSION:

This request for hearing [Exhibit H.O.-1] was received by the Parents on June 6, 2011 and a prehearing conference convened on June 20, 2011. On June 28, 2011 the Parents submitted a Motion for Order [Exhibit H.O.-2] requesting that the matter be dismissed without prejudice, stating that the Parents no longer wished to pursue an independent educational evaluation [IEE] as requested at the May 20, 2011 PPT meeting. The Board was afforded time to respond to the Motion, filing an Opposition to Motion for Order on July 7, 2011 which challenged the Motion for Order since the Parents refused to withdraw their request for an IEE with prejudice. [Exhibit H.O.-3] The Parents renewed their Motion for Order on July 7, 2011. [Exhibit H.O.-4] The parties were notified that the Motion for Order would be the first preliminary issue addressed at the hearing on July 28, 2011.

The hearing convened on July 28, 2011. At the time of the hearing, counsel for both parties indicated that the matter had been resolved, reporting that the Parents agreed that if they wanted to pursue an IEE at Board expense at a later date they would first discuss it at a PPT meeting. At this time, however, the Parents are not seeking an IEE. Therefore, this matter is dismissed, without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**, without prejudice.