

November 23, 2011

Final Decision and Order 12-0070

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student

Appearing on Behalf of the Parents:

Pro Se

Appearing on Behalf of the Board:

Attorney Michael P. McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105-4286

Appearing Before:

Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Whether the evaluations administered by the Board were appropriate? If not;
2. Is the Student entitled to an independent neuropsychological evaluation at the school district's expense?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student has not been identified as eligible to receive a free and appropriate public education (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. At a PPT meeting, the Parents requested an independent neuropsychological evaluation. The Board refused the Parents' request and as required in 34 C.F.R. §300.502(b)(2)(i), the Board filed for due process. An impartial hearing officer was appointed on August 16, 2011 and a prehearing conference was held September 1, 2011. A hearing date of October 26, 2011 was chosen.

In an electronic transmission, the Board's attorney advised the hearing officer that the Parents were no longer requesting an independent neuropsychological. The Board requested cancellation of the hearing date in order to confirm the Parents' withdrawal of the request for the evaluation. On or about November 16, 2011, the Board's attorney advised the hearing officer that the Board was withdrawing their request for due process.

The date for the mailing of the Final Decision and Order was extended to accommodate the hearing date. The date for mailing the Final Decision and Order is November 27, 2011. The mailing date is a Sunday, therefore the mailing date is extended to the next business date, November 28, 2011.

FINAL DECISION AND ORDER:

The matter is dismissed without prejudice.