

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Somers Board of Education

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

Appearing on behalf of the Board: Attorney Michael McKeon
Pullman & Comely, LLC
90 State House Square
Hartford, CT 06105

Appearing before: Robert L. Skelley, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the Somers Board of Education (“Board”) fail to provide the Student with a free and appropriate public education (“FAPE”) for the 2014-2015 academic years?
2. Are the Parents entitled to public funding for the cost of providing four independent educational evaluations (“IEE’s”) that were requested by the Parents and denied by the Board despite the Board not requesting a due process hearing to defend the Board’s own evaluations?

PROCEDURAL HISTORY:

The Parents filed this complaint on August 18, 2014. A prehearing conference was held on September 11, 2014, from which the issues above were identified. Initial due process hearings were scheduled for November 5 and November 6, 2014. On October 16, 2014 Counsel for the Parents informed the Hearing Officer that the Parties had reached agreement in principle, needing only to reduce the agreement to writing. Counsel requested to cancel the scheduled hearing dates and be granted an extension to put the agreement into writing. Due to issues with Counsel, the agreement would take a few weeks to finalize. The hearing dates were cancelled and the final decision and order date was extended to November 30, 2014. On November 13, 2014, Counsel for the Parents withdrew the complaint without prejudice.

FINAL DECISION AND ORDER:

This matter was withdrawn without prejudice by the Parents on November 13, 2014. With no further issues to be decided, this 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print