

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Barkhamsted Board of Education v. Student

Appearing on behalf of the Student: Parents

Appearing on behalf of the Board: Attorney Alyce Alfano  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103

Appearing before: Attorney Brette H. Fitton, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the evaluations conducted by the District appropriate, thereby relieving the District of the obligation to fund the following Independent Educational Evaluations (“IEEs”) requested by Parent at District expense:
  - a. Literacy/Numeracy Evaluation
  - b. Assistive Technology Evaluation
  - c. Functional Behavioral Assessment
  - d. Central Auditory Processing Evaluation
  - e. Speech and Language Evaluation
  - f. Occupational Therapy Evaluation?
2. Was Parents' request to have Dr. Ciocca observe the Student for an entire day a request for a new Independent Educational Evaluation, and as such to be included in the list of IEEs requested by Parents set forth under Issue 1, or not?
3. Did the District commit a substantive or procedural violation of the Individuals with Disabilities Education Act by not agreeing to have Dr. Ciocca observe Student in the District's educational setting for a full day at District expense?

**PROCEDURAL HISTORY AND SUMMARY:**

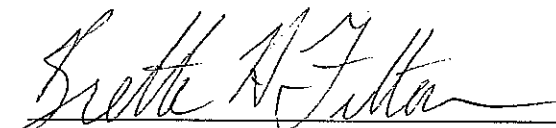
On May 14, 2015, the Parents received a Special Education Due Process Hearing Request, and the undersigned Hearing Officer was assigned on May 13, 2015. During the Prehearing Conference held on May 28, 2015, a hearing date of July 14, 2015 was set and the deadline for the mailing of the Final Decision and Order was established as June 26, 2015. A request for extension of the mailing deadline to allow the parties to engage in settlement discussions and to accommodate the scheduled hearing date was made during the prehearing conference. After a consideration of all of the relevant factors, this request was granted. The new deadline for the filing of the Final Decision and Order was established as July 24, 2015. On July 8, 2015, Attorney for the Board sent a letter to the Hearing Officer indicating the Board was withdrawing its Special Education Due Process Hearing request.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.

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

Brette H. Fitton  
Hearing Officer      Name in Print