

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Stamford Board of Education v. Student

Appearing on behalf of the Parent:

Lawrence W. Berliner, Esq.
Law Office of Lawrence W. Berliner, LLC
1720 Post Road East, Suite 214-E
Westport, CT 06880

Appearing on behalf of the Board:

Marsha Moses, Esq.
Berchem Moses, LLC
75 Broad Street
Milford, CT 06460

Appearing before:

Sylvia Ho, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Psychological Evaluation appropriate?
2. Is the Special Education Evaluation appropriate?
3. If the answer to Question 1 and/or 2 are “no”, are Parents entitled to independent educational evaluations at public expense?
4. Is the Physical Therapy Evaluation appropriate?
5. If not, are Parents entitled to an independent educational evaluation for physical therapy at public expense?

PROCEDURAL HISTORY/SUMMARY:

The Board filed the Due Process Complaint on February 4, 2020. The Hearing Officer was appointed on February 5, 2020 and conducted a Prehearing Conference with the Parent and Board’s attorney on February 26, 2020 with the aid of a Spanish language interpreter. The hearing was scheduled for March 11, 2020 and the Due Process Complaint, Memorandum to Parties and Notice of Hearing were translated and provided to Parents. On March 4, 2020, the Parents retained an attorney who filed an appearance in the matter. The hearing was postponed to April 26, 2020 and the mailing date of the Final Decision was extended to allow time for the Parents’ attorney to prepare for the hearing. A second prehearing conference was conducted on March 17, 2020 to review the issues. Schools were closed as a result of the emergency due to COVID-19. On April 16, 2020, the Board requested and was granted a postponement of the hearing and an extension of the mailing date of the Final Decision by ninety days pursuant to the Governor’s Executive Order and State Department of Education Guidance regarding in

person meetings as a result of the COVID-19 emergency. The hearing was rescheduled to July 14, 2020. The Board requested and granted a postponement of the July 14, 2020 to July 16, 2020 for good cause due to an emergency medical situation. The hearing was convened on July 16, 2020 without the taking of evidence. The parties reported that they were finalizing an agreement of the dispute and requested a postponement of the taking of evidence so that they could continue to negotiate the dispute. The request for postponement was granted and a hearing date was scheduled for August 11, 2020. On August 6, 2020, the Board's attorney reported to the Hearing Officer that the parties had executed an agreement and that the Board was withdrawing the Due Process Complaint with prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** with prejudice.