

STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Stamford Board of Education v. Student<sup>1</sup>

Appearing on behalf of Student: Student's Parents, *Pro Se*

Appearing on behalf of the Board of Education: Attorney Marsha Moses  
Berchem Moses PC  
75 Broad Street  
Milford, CT 06460

Appearing before: Janis C. Jerman  
Hearing Officer

**FINAL DECISION AND ORDER**

A special education hearing in the above-captioned matter was requested by the Board of Education's (BOE's) Attorney via letter date November 23, 2020.<sup>2</sup> BOE's Attorney overnighted the Request for Hearing to Student's Parents for receipt on November 24, 2020. The original 45-day deadline to mail the final decision and order was January 8, 2021.

A telephonic pre-hearing conference was held on December 9. Attorney Moses appeared on behalf of BOE; no one appeared on behalf of Student. A reminder email was sent to Student's Parents asking them to join the conference call. The Hearing Officer waited ten minutes for them to join before beginning the prehearing conference in the absence of Student's Parents.

The following issues were identified:

1. Was the Board of Education's 2019 psychological evaluation of Student appropriate?
2. If the answer to Issue One above is in the negative, is Student entitled to an Independent Educational Evaluation in the area of psychology at the Board of Education's expense?
3. Was the Board of Education's 2019 speech and language evaluation of Student appropriate?
4. If the answer to Issue Three above is in the negative, is Student entitled to an Independent Educational Evaluation in the area of speech and language at the Board of Education's expense?

Via letter dated December 9, 2020, BOE's Attorney requested an extension of the deadline to mail the final decision and order to accommodate scheduling hearing dates. After fully considering the positions of the parties, the request was granted and the deadline to mail the final decision and order was extended to February 7.

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<sup>1</sup> To comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g ("FERPA") and related regulations at 34 CFR § 99, this decision uses "Student," "Parents," and titles of certain school staff members and witnesses in place of names and other personally-identifiable information.

<sup>2</sup> All dates are 2021 unless otherwise indicated.

Hearing was scheduled for January 26. On January 20, Student's Father requested that the hearing be postponed. After fully considering the positions of the parties, the request was denied.

On January 20, BOE's Attorney withdrew the request for due process without prejudice after receiving an email from Student's Father indicating that Student's Parents withdrew their request for an independent educational evaluation and agree to having the case dismissed without prejudice.

**FINAL DECISION AND ORDER**

The above-captioned case is dismissed without prejudice.