

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student¹ v. Fairfield Board of Education

Appearing on behalf of Student:

Attorney Michael Gilberg
Attorney Jennifer Laviano
Law Offices of Jennifer Laviano LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board of Education:

Attorney Michele Laubin
Berchem Moses & Devlin 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 Board of Education's ("BOE's") Attorney via Letter dated February 19, 2015.² The deadline to mail the final decision and order is April 5.

The issues in the case are identified as:

1. Is Board of Education's October 2014 evaluation of Student appropriate?
2. If not, are Student's Parents entitled to an Independent Educational Evaluation at public expense?

A telephonic pre-hearing conference was scheduled for March 9 then rescheduled to March 17 at the request of the parties. Twenty minutes prior to the scheduled prehearing conference, Student's Attorney requested that the conference be postponed due to last minute unforeseen circumstances. The pre-hearing conference was rescheduled to March 24.

Via e-mail dated March 23, Student's Attorney indicated that she was authorized to withdraw Student's Parent's request for an Independent Educational Evaluation ("IEE"). BOE's Attorney responded that, in light of the withdrawal of the request for IEE, BOE withdraws the due process hearing request.

FINAL DECISION AND ORDER

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

¹ In order 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", "School" and titles of school staff members and certain other witnesses in place of names and other personally identifiable information.

² All dates are 2015 unless otherwise indicated.

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

JANIS C. JERMAN

Hearing Officer

Name in Print