

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Student v. Naugatuck Board of Education

Appearing on behalf of the Student: Parents

Appearing on behalf of the Board: Attorney Michelle Laubin  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 06770

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUE:**

Did the District err when it changed Student's eligibility category under the Individuals with Disabilities Education Act from speech and language impairment to intellectual disability at the September 26, 2016 planning and placement team meeting?

**PROCEDURAL HISTORY AND SUMMARY:**


On October 11, 2016, the Board received a request for a special education due process hearing filed by the Parents and the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. The deadline for mailing the final decision and order was December 23, 2016. On October 24, 2016, the Parents withdrew the request for a special education due process hearing without prejudice.

**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