

January 29, 2015

Case Number: 15-0270

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Trumbull Board of Education v. Student

Appearing on behalf of the Student: Attorney Elizabeth Moyse
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Was the District's psychological evaluation appropriate, thereby relieving the Board of the obligation to pay for the Independent Educational Evaluation requested by the Parents on December 1, 2014?

PROCEDURAL HISTORY AND SUMMARY:

On December 8, 2014, Parent's attorney received a request for Special Education Due Process Hearing. During the prehearing conference held on January 2, 2015, hearing dates were set and the deadline for the mailing of the Final Decision and Order was established as January 22, 2015. During the prehearing conference held on January 2, 2015, Attorney for the Board requested an extension of the mailing deadline to accommodate the hearing schedule, and Attorney for the Student indicated she had no objection. After a consideration of all the relevant factors, the request for an extension was granted. The revised deadline for the mailing of the Final Decision and Order was established as Friday, February 20, 2015. On January 22, 2015, in advance of the first scheduled hearing date of January 29, 2015, the Board withdrew its request for a hearing.

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. Filton
Hearing Officer Name in Print