

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

New Britain Board of Education v. Student

Appearing on behalf of the Parent:

Attorney Lawrence Berliner
Law Offices of Lawrence W. Berliner, LLC
1720 Post Road East, Ste. 214E
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Leander Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103

Appearing before:

Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the psychological and behavioral evaluations conducted by the Board appropriate? If not:
 2. Should the Board conduct independent psychological and behavioral evaluations at public expense?
- Parent issue: Was the request for due process made in a timely manner?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Autism and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parent stated that the psychological and behavioral evaluations conducted by the Board were not appropriate and requested independent psychological and behavioral evaluations at public expense. The Board denied the Parent's request and on November 6, 2014, the Board filed for due process. The parties agreed to a mediate the matter.

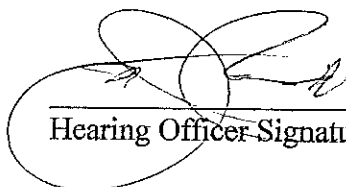
An impartial hearing officer was appointed on November 6, 2014 and a pre-hearing conference was held on November 21, 2014. A hearing date of January 8, 2015 was chosen by the parties. On December 16, 2014, in an electronic transmission, the Board's attorney advised the hearing officer that the parties were able to partially resolve the matter but needed additional time to resolve the matter rather than go to a hearing. The extension was granted. On February 17, 2015, in an electronic transmission, the Board's attorney advised the hearing officer that the matter had been resolved but needed to be ratified. The Board's attorney withdrew the matter without prejudice. The Parent's attorney was in agreement with the withdrawal. The date for the mailing of the Final Decision and Order was extended to accommodate the mediation. The date for the mailing the Final Decision and Order is February 25, 2015.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.

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

Justino Rosado
Hearing Officer Name in Print