

December 4, 2012

Final Decision and Order 13-0193

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Trumbull Board of Education v. Student

Appearing on behalf of the Parent: Attorney Philip Cohn
Goldman, Gruder & Woods, LLC
200 Connecticut Avenue
Norwalk, CT 06854

Appearing on behalf of the Board: Marsha B. Moses, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before: Justino Rosado, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the psychiatric evaluation performed by the Board appropriate? If not;
2. Are the Parents entitled to an independent psychiatric evaluation at the public expense?

SUMMARY AND PROCEDURAL HISTORY:

The Student has not been identified as entitled to receive a free and appropriate public education 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 Parents rejected the psychiatric evaluation presented by the Board. The Parents requested an independent educational evaluation (IEE). The Board refused the Parents' request.

An impartial hearing officer was appointed on October 31, 2012 and a pre-hearing conference was held on November 12, 2012. Hearing dates of December 6, December 10 and December 13, 2012 were chosen by the parties.

In an electronic transmission, the Parents' attorney advised the hearing officer that they were withdrawing their request for an IEE. The Board, based on the Parents' notice, withdrew their request for due process without prejudice. The withdrawal without prejudice was granted.

The date for the mailing of the Final Decision and Order is December 14, 2012..

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.