

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Ridgefield Board of Education v. Student

Appearing on behalf of the Student: Parent

Appearing on behalf of the Board: Attorney Marsha Moses
Berchem, Moses & Devlin, P.C.
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 of Student appropriate?

PROCEDURAL HISTORY AND SUMMARY:

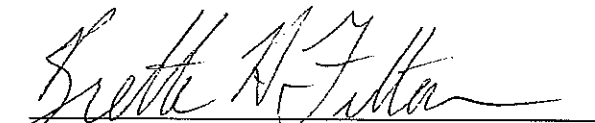
On July 16, 2015, Parents received the Board's Special Education Due Process Hearing Request. The undersigned Hearing Officer was appointed on July 21, 2015. The deadline for mailing the Final Decision and Order was established as Friday, August 28, 2015. A prehearing conference was held on July 31, 2015, during which the Attorney for the Board indicated the Parents might not be able participate in the conference due to a family emergency. The Board's representation about the Parents' reason for not participating in the conference was confirmed by the Parents in a subsequent email received on August 4, 2015. In that email, Parents indicated that circumstances with Student had rendered their request for an Independent Educational Evaluation ("IEE") moot. The Board responded with an email indicating they were interpreting Parents' email as a withdrawal of the request for an IEE, and would be withdrawing their hearing request unless Parents responded with a request to proceed with the IEE. The Hearing Officer provided the Parents with additional time to consider the Board's email and renew their request for an IEE. The Parents did not renew their request for an IEE within the timeframe provided by the Hearing Officer. On August 10, 2015, The Board sent an email to the Hearing Officer withdrawing the Board's Special Education Hearing Request.

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