

May 31, 2012

Final Decision and Order 12-0421

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student

Appearing on behalf of the Board: Attorney Michael McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Ave.
Hartford, CT 06105

Appearing on behalf of the Parent: Attorney Ann Rose
6 Nelson Lane
Newtown, CT 06470

Appearing before: Attorney Mary Elizabeth Oppenheim, Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Whether the psychological evaluation administered by the Board was appropriate.

PROCEDURAL HISTORY/DISCUSSION:

The prehearing conference initially convened on May 21, 2012. At the first prehearing conference, the Parent's attorney was ready to proceed, but the Board's attorney was not available and not present for the conference. A second prehearing conference convened on May 23, 2012 as a courtesy to counsel.

The request for hearing, dated May 14, 2012 was received by the Parent's attorney on May 23, 2012 the date of the second prehearing conference. At the prehearing conference, the Board's attorney indicated that he thought a copy had been forwarded to the Parent or Parent's attorney on May 14, 2012 but was not able to verify that that had been done.

On May 25, 2012 the Board's attorney submitted notification that the Board was withdrawing the second issue in the request for hearing. That issue, regarding whether the Board's program offered at the February 29, 2012 PPT provided the Student with FAPE in the least restrictive environment, was withdrawn at that time.

At the prehearing conference, and as was noted in the Notice of Hearing Date, the Board's attorney was ordered to submit the Student's most recent IEP and the most recent evaluations on or before May 25, 2012. Despite several reminders that the exhibits had not been received after the due date, the Board's attorney failed to comply with the hearing officer's order.

After business hours on May 30, 2012 prior to the first hearing date, the Board's attorney submitted notification that the Parent had withdrawn his demand for an independent evaluation which rendered the Board's hearing request "no longer necessary and, in fact, moot." Therefore, this matter is dismissed.

FINAL DECISION AND ORDER:

The matter is **DISMISSED**.