

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Stratford Board of Education v. Student

Appearing on behalf of the Parent: Attorney Nora Belanger
Law Offices of Nora Belanger, LLC
161 East Avenue, Ste. 104 E
Norwalk, CT 06510

Appearing on behalf of the Board: Attorney Christine Sullivan
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

Should the Board be allowed to evaluate the Student without the Parents' consent?

SUMMARY AND PROCEDURAL HISTORY:

The Student is classified with Autism and is entitled to receive a free and appropriate public education (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 Parents would not provide consent for the Board to evaluate the Student. The Board filed for due process requesting permission to perform evaluations as requested at the PPT, without the Parents' consent.

Notice of the hearing request was received by the Board on December 20, 2016. An impartial hearing officer was appointed on December 21, 2016 and a pre-hearing conference was scheduled for January 4, 2017.

In an electronic transmission the Board advised the hearing officer that the Parents had signed the consent form for the evaluations and withdrew their request for due process with prejudice. The date for the mailing the Final Decision and Order is February 3, 2017.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH 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