

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Region 9 Board of Education v. Student

Appearing on behalf of the Parents: Attorney Jennifer Laviano
Law Offices of Jennifer D. Laviano, LLC
77 Danbury Road Suite-C6
Ridgefield, CT 06877

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

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Transitional Assessment conducted by the District appropriate? If so;
2. Should the District conduct an independent Transitional Assessment at public expense?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified as Other Health Impaired-ADD/ADHD and is entitled to receive free and appropriate public education in the least restrictive environment 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 were not in agreement with the results of the Transitional Assessment performed by the Board. The Parents requested an Independent Transitional Assessment at public expense. The Board refused the Parents request and requested due process pursuant to the provisions of 34 C.F.R. §300.502(b)(2)(i).

An impartial hearing officer was appointed on May 13, 2015 and a pre-hearing conference was held on May 20, 2015. Hearing dates of June 23 and July 9, 2015 were chosen by the parties.

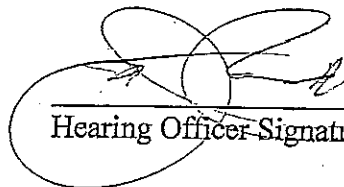
In an electronic transmission, dated June 16, 2015, the Boards' attorney informed the hearing officer that the Parents' attorney had withdrawn with prejudice their request for an independent Transitional Assessment. Based on the Parents' withdrawal the Board withdrew their request for due process with prejudice. The date for mailing the Final Decision and Order is June 26, 2015.

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