

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parent: John A. Cvejanovich, Esq.
O'Connell, Flaherty & Attmore, LLC
1350 Main Street
Springfield, MA 01103-1628

Appearing on behalf of the Board: Rebecca Santiago, Esq.
Leander A. Dolphin, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Shall the Hearing Officer override Parents' refusal to consent to the following evaluations of the Student:

- Occupational Therapy evaluation by an appropriately licensed or certified School Staff member; and
- Neuropsychological evaluation by an appropriately licensed or certified School Staff member or by a Connecticut licensed neuropsychologist?

PROCEDURAL HISTORY:

This hearing was requested by the Board of Education on July 1, 2011. The Hearing Officer had been appointed to hear a prior case concerning this student, and she agreed to consolidate the two cases. The date for mailing the decision was September 12, 2011. A pre-hearing conference was held on July 19, 2011 and the hearing was scheduled for September 6 and 9, 2011.

Following some confusion about multiple requests for hearings from both Parties concerning the Student and two siblings, on July 25, 2011 the Hearing Officer issued a memorandum confirming the consolidation of two cases concerning the Student.

On July 28, 2011, the Hearing Officer received a request to postpone the hearing because the Parents' Attorney had been injured in an accident. That request was granted: the hearing was postponed to September 29, 2011 and the decision date was postponed to October 12, 2011. On September 5, 2011, Parent withdrew her request for a hearing. On September 6, 2011 the Board informed the Parent and the Hearing Officer that it was not withdrawing its request for a hearing. On September 8, 2011, the Board requested postponement of the hearing and an extension of the decision date. On September 15, 2011, the Hearing Officer extended the decision date to November 14, 2011 and scheduled the hearing for November 10, 2011. On October 25, 2011, Parents' Attorney requested an additional postponement due to pending surgery. The Hearing Officer re-scheduled the hearing for December 14, 2011 and extended the decision date to the same date. On December 2, 2011, the Board withdrew its request for a hearing.

All motions and objections not previously ruled upon, if any, are hereby overruled.

SUMMARY:

This hearing was requested by the Board to override the Parents' refusal to consent to evaluations of the Student.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

FINAL DECISION AND ORDER:

Both Parties having now withdrawn their requests for hearing, this matter is **DISMISSED** without prejudice.