

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Fairfield Board of Education

Appearing on behalf of the Parent: Attorney Robin P. Keller
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Appearing on behalf of the Board: Attorney Michelle C. Laubin
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Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the Fairfield Board of Education's ("Board") psychiatric evaluation, conducted by Board's psychiatrist appropriate?
2. If the answer to Issue No. 1 is no, are the Parents entitled to an independent educational evaluation ("IEE") at public expense?
3. Was the Board's functional behavioral assessment ("FBA") conducted by the Board's evaluator appropriate?
4. If the answer to Issue No. 3 is no, are the Parents entitled to an IEE at public expense?

PROCEDURAL HISTORY:

The complaint was filed by the Board on July 29, 2013 in defense of the Board decision to deny the Parent a publicly funded IEE. Because the complaint was filed by the Board, there was no requirement for a resolution meeting by the Parties. The Parties chose not to participate in mediation. The original due process hearings were set for September 23, 2013 and September 26, 2013, with a final decision and order date set for October 11, 2013. On September 11, 2013 the Parties requested a postponement of the due process hearings until October 10, 2013 as the Parties were engaging in substantive negotiations and believed that resolution was possible. The due process hearing date was re-scheduled to October 10, 2013, with a new final decision and order date set for November 11, 2013. On Friday, October 4, 2013, the Board notified the Hearing Officer that a settlement agreement was being forwarded to the Parent for review and signature and that notification of a withdrawal would occur as soon as all parties had signed the agreement. On October 7, 2013, at the close of business, the Hearing Officer received notice that all parties had signed the agreement and that the Board was withdrawing the complaint.

FINAL DECISION AND ORDER:

With the withdrawal of the complaint by the Board, and no further issues to be decided, this matter is DISMISSED with prejudice.