

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Region 16 Board of Education v. Student

Appearing on behalf of the Student: Attorney Elizabeth Moyse  
The Law Offices of Jennifer Laviano, LLC  
76 Route 34  
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Marsha Moses  
Berchem, Moses & Devlin, P.C.  
75 Broad Street  
Milford, CT 064600

Appearing before: Attorney Brette H. Fitton  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the District evaluations which were presented at the July 15, 2016 Planning and Placement Team meeting appropriate?
2. If the District evaluations were not appropriate, are Parents entitled to an Independent Educational Evaluation for reading, speech and language and/or occupational therapy evaluation at public expense?

**PROCEDURAL HISTORY AND SUMMARY:**


On November 30, 2016, the Parent received a request for a special education due process hearing filed by the Board of Education. On December 1, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the matter. During the prehearing conference held on December 13, 2016, the hearing dates of January 18, 2017 and February 3, 2017 were set and the deadline for mailing the final decision and order was established as January 13, 2017. A request for an extension of the mailing deadline was jointly requested by the parties on December 13, 2016 in order to accommodate the agreed upon hearing date schedule. This request was granted and resulted in a new mailing deadline of February 10, 2017. On January 6, 2017, the Attorney for the Student withdrew her request for an Independent Educational Evaluation and as a result the Board withdrew its request for a hearing.

**FINAL DECISION AND ORDER:**

In light of the above facts, the case is dismissed.

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

Brette H. Fitton  
Hearing Officer      Name in Print