

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Monroe Board of Education v. Student

Appearing on behalf of the Student: Attorney Jennifer Laviano
The Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing before: Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Were the psychoeducational and educational evaluations conducted by District staff appropriate, thereby relieving the District of an obligation to obtain an Independent Educational Evaluation at public expense?

PROCEDURAL HISTORY AND SUMMARY:

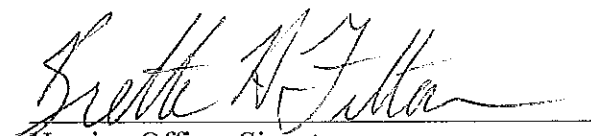
On June 26, 2015, the Student received a Special Education Due Process Hearing Request filed by Board. The undersigned Hearing Officer was appointed on June 30, 2015. During the prehearing conference held on July 22, 2015, a hearing date of October 5, 2015 was set and the deadline for mailing the Final Decision and Order was established as August 10, 2015. During the conference, the Parties agreed to request an extension of the mailing deadline to accommodate the hearing date schedule and to allow the parties to engage in settlement negotiations. This request was granted and September 9, 2015 was established as the new mailing deadline. On September 8, 2015, the Parties agreed to request an extension of the mailing deadline to accommodate the scheduled hearing date, and after a consideration of all of the relevant factors, this request was granted and a new deadline of October 9, 2015 was established. On October 1, 2015, in response to an email from Attorney for the Parents indicating that the Parents were withdrawing their request for an Independent Educational Evaluation, the Attorney for the Board sent an email to the Hearing Officer in which she indicated that the Board was withdrawing its request for a Special Education Due Process 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