

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. North Haven Board of Education

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

Appearing on behalf of the Board: Attorney Linda Yoder
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Did the North Haven Board of Education ("Board") deny the Student a free and appropriate public education ("FAPE") for the 2012-2013; Extended School year ("ESY") 2013; 2013-2014; ESY 2014 academic years?
2. What is the proper program and placement for the Student for the 2014-2015 academic years?
3. Are the Parents entitled to independent educational evaluation(s) ("IEE") in the areas of psychiatry and a Board Certified Behavioral Analysis ("BCBA")?

PROCEDURAL HISTORY:

This matter was filed on May 14, 2014, on behalf of the Parents. The prehearing conference was held on May 28, 2014, from which it was determined that an Amended Complaint would be filed. The Parties agreed, due to the short time frame before the new school year, that the timelines would be adjusted by the number of days between the prehearing conference and the filing of the Amended Complaint and the Response to be filed by the Board. The Amended Complaint was filed on June 6, 2014, with a response by the Board filed on June 19, 2014. The issues listed above were developed from the prehearing conference and the Amended Complaint. Initial due process hearing dates were set for July 9 and July 11, 2014. The Parties continued to negotiate for a settlement. On July 2, 2014, with no opposition from the Parents, the Board requested a postponement of the July 9 and 11, 2014 hearing dates, citing progress in the negotiations and the belief that a settlement could be reached. The due process hearing was rescheduled to August 1, 2014 and August 4, 2014. On July 16, 2014, Counsel for the Parents notified the Hearing Officer via email that the Parents wished to withdraw the complaint without prejudice.

FINAL DECISION AND ORDER:

The Parents have requested that this matter be withdrawn without prejudice. With no further issues to be decided, this matter is DISMISSED without 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

Robert L. Skelley, Esq.

Hearing Officer Name in Print