

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Wethersfield Board of Education v. Student

Appearing on behalf of the Student:

Parents

Appearing on behalf of the Board:

Attorney Peter Maher
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing before:

Attorney Brette H. Fitton
Hearing Officer

FINAL DECISION AND ORDER

ISSUE:

Was the evaluation conducted by the District appropriate, thereby relieving the District of the obligation to fund the Independent Educational Evaluation, specifically the neuropsychological evaluation, requested by Parents?

PROCEDURAL HISTORY AND SUMMARY:

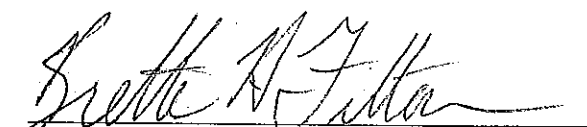
On July 8, 2016, Parents received a request for a special education due process hearing filed by the Wethersfield Board of Education. On July 11, 2016, the Connecticut State Department of Education appointed the undersigned Hearing Officer to preside over the hearing. During the prehearing conference held on July 15, 2016, the deadline for mailing the final decision and order was established as August 22, 2016. At the prehearing conference, the parties jointly requested an extension of the mailing deadline in order to allow the parties to engage in settlement negotiations and this joint request was memorialized in an email sent by Attorney for the Board on July 15, 2016. The request for an extension was granted and resulted in a new mailing deadline of September 21, 2016. While a tentative hearing date of September 8, 2016 was proposed by the Hearing Officer at the prehearing conference, the scheduling of this hearing date was subject to confirmation of the Board's availability. The Attorney for the Board later informed the Hearing Officer that his client was not available on that date. Other potential hearing dates were discussed through an exchange of email correspondence and September 22, 2016 was identified as the first hearing date for the matter. On August 22, 2016, Attorney for the Board sent an email to the Hearing Officer in which he indicated that the matter had settled and that the Board was withdrawing its request for a special education 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