

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Vernon Board of Education v. Student¹

Appearing on behalf of Board of Education: Attorney Craig Meuser
Chinni & Meuser LLC
One Darling Drive
Avon, CT 06001

Appearing on behalf of Student: Surrogate Parent

Appearing before: Janis C. Jerman
Hearing Officer

FINAL DECISION AND ORDER

A special education hearing in the above-captioned matter was requested by the Board of Education (“BOE”) via Letter dated March 3, 2016.² It was received by Student’s Surrogate Parent on March 3. The original deadline to mail the final decision and order was April 17. A telephonic pre-hearing conference was held on March 15. John Durham, Surrogate Parent, appeared on behalf of Student. No one appeared on behalf of BOE.

Issues:

1. Were the Board of Education’s reading, behavior, and occupational therapy evaluations of Student appropriate?
2. If the answer to Issue One is in the negative, is Student’s Parent entitled to an independent educational evaluation?

During the pre-hearing conference, Surrogate Parent requested an extension of the deadline to mail the final decision and order to give the parties time to participate in mediation³ prior to preparing for hearing. After fully considering the request, it was granted and the deadline to mail the final decision and order was extended 30 days until May 17.

The parties participated in mediation on April 11. Via email dated April 12, BOE’s Attorney indicated that the parties entered into a written agreement at the conclusion of mediation and that BOE withdraws its hearing request regarding prior evaluations.

FINAL DECISION AND ORDER

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

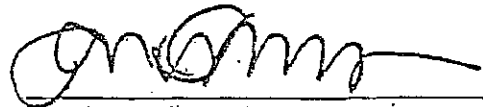
¹ In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g (“FERPA”) and related regulations at 34 CFR § 99, this decision uses “Student” and “Student’s Mother” in place of names and other personally identifiable information.

² All dates are 2016 unless otherwise indicated.

³ Surrogate Parent filed for mediation to resolve the issues in this case and other issues not currently the subject of a due process request.

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

JANIS C. JERMAN

Hearing Officer

Name in Print