

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Westport Board of Education and Student

Appearing on behalf of the Student:

Attorney Lawrence Berliner
Law Office of Lawrence Berliner, LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing on behalf of the Board of Education:

Attorney Marsha Moses
Berchem, Moses & Devlin, PC
75 Broad Street
Milford, CT 06460

Appearing before:

Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Are the Board of Education's psychological, academic and/or speech and language evaluations appropriate?
2. If not, is the Student entitled to independent psychological, academic and/or speech and language evaluations at public expense?

PROCEDURAL HISTORY:

The Board of Education requested a special education due process hearing in the above-captioned matter in order to prove that its evaluations of the Student were appropriate, on July 16, 2015. The Impartial Hearing Officer was appointed to the case on July 21, 2015. A telephonic pre-hearing conference was held on August 11, 2015. The Student's parents appeared on behalf of the Student and Attorney Marsha Moses appeared on behalf of the Board of Education. An evidentiary hearing was established for September 11, 2015.

On August 15, 2015, the Board of Education submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearing and to file the final decision in this case to September 25, 2015. Although the Student objected to the requested postponement, it was granted.

On August 24, 2015, the Board of Education and the Parent jointly requested that the evidentiary hearing be rescheduled and that a second thirty-day postponement and extension of the timelines be granted so that the parties could participate in mediation. The joint request to postpone the hearing was granted and the deadline was extended to October 23, 2015. New hearing dates were selected for October 26, 2015 and October 28, 2015.

On October 20, 2015 Attorney Lawrence Berliner appeared on behalf of the Student. On the following day, the Student requested that the hearings of October 26, 2015 and October 28, 2015 be rescheduled. The Board did not object and this request was granted. A second conference was conducted on October 23, 2015 and new hearing dates were selected for December 10, 2015 and December 14, 2015. On October 21, 2015 the Board requested a thirty-day extension of the deadline for filing the final decision. The Student did not object and the deadline for filing the final decision was extended.

On November 4, 2015, the Board requested a thirty-day extension of the deadline for filing the final decision. The Student did not object to the request and it was granted. On December 3, 2015, the Board requested another thirty-day extension of the deadline for filing the final decision as well as abatement of the scheduled hearing dates of December 10, 2015 and December 14, 2015. The Student joined in the request and the request was granted. On January 9, 2016, the Board requested another thirty-day extension of the deadline for filing the final decision. Again, the Student did not object and the request was granted.

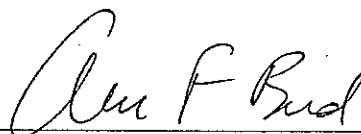
On January 26, 2016, the parties appeared for a scheduled evidentiary hearing. The parties reported that the Student withdrew the request for an independent educational evaluation and as a consequence, the Board requested that the case be dismissed.

FINAL DECISION AND ORDER:

It is ordered that the Board's request for dismissal is granted and this matter 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

ANN F BIRD

Hearing Officer

Name in Print