

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Trumbull Board of Education v. Student

Appearing on behalf of the Parent: Parents Pro Se

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

Appearing before: Attorney Elisabeth Borrino, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Whether the application materials should be released to the school recommended by the Board for purposes of pursuing placement for the student in a therapeutic day placement ("TDP");
2. Whether placement in a TDP is required in order to provide FAPE to the Student in the least restrictive environment ("LRE");
3. Whether placement in a TDP is required to provide FAPE to the Student and, if so, whether the Hearing Officer should order such placement in the absence of parental consent;
4. Whether the triennial evaluation of the Student should be conducted, in the absence of parental consent, including but not limited to a psychological evaluation, psychiatric evaluation, occupational therapy evaluation, speech and language evaluation, and observation of the Student in school;
5. Whether the Board properly refused the Parents' request for an Independent Evaluation ("IEE") in the areas of speech and language and occupational therapy on the grounds that it had not conducted its own evaluations in this area and was thereby entitled to do so in the first instance, prior to the parent's invoking a right to an IEE at public expense.

SUMMARY:

On January 13, 2011, the Parent received the Request for Due Process. On January 28, 2011, a prehearing conference was held and hearing dates were scheduled. On February 23, 2011, the Board withdrew the Request for Hearing and requested that the matter be dismissed without prejudice.

FINAL DECISION AND ORDER:

The matter is **DISMISSED** without prejudice.