

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Southington Board of Education v. Student

Appearing on behalf of the Parents: Pro Se

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

Appearing before: Justino Rosado, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the triennial evaluations performed by the Board on May 2016 appropriate? If not;
2. Is the Student entitled to an independent evaluation at public expense?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Other Health Impaired ADD/ADHD and is entitled to receive FAPE as defined in the Individuals With Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a et seq. At a planning and placement team (PPT) meeting, the Parents rejected the triennial psychological evaluations performed by the Board on May 2016. The Parents requested an independent evaluation. The Board refused the Parents' request and filed for due process. The parties attempted to mediate the matter.

An impartial hearing officer was appointed on September 13, 2016, and a pre-hearing conference was held on September 22, 2016. Hearing dates of October 28, 2016 and November 14, 2016 were chosen by the parties. At the November 14, 2016, hearing date, the Board offered to conduct the independent evaluation. The Parents accepted the Board's offer to conduct the triennial psychological evaluation at public expense. The Board withdrew their request for due process with prejudice.

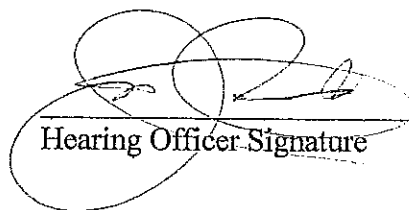
The date for the mailing of the Final Decision and Order was extended to accommodate the hearing dates. The mailing date for the Final Decision and Order is December 7, 2016.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH 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

Justino Rosado
Hearing Officer Name in Print