

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Portland Board of Education v. Student

Appearing on Behalf of the Parents: Pro se

Appearing on Behalf of the Board: Attorney Craig S. Meuser  
Chinni & Meuser LLC,  
30 Avon Lane  
Avon, CT 06001

Appearing Before: Attorney Patricia M. Strong, Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Board entitled to conduct its own evaluations of the Student in response to the Parents' request to identify the Student as eligible for special education?
2. If not, are the Parents entitled to an independent educational evaluation of the Student at Board expense?

**PROCEDURAL HISTORY:**

The Board's Director of Student Services requested this hearing on December 22, 2008 by faxing a letter to the State Department of Education (SDE) and copies to the Parents and the Board's attorney. This Hearing Officer was assigned to the case on December 24, 2008. On January 5, 2009, the Board's attorney filed an appearance. A prehearing conference was held on January 7, 2009 with the Board's attorney and the Mother. The mailing date of the final decision was established as February 5, 2009. Hearing dates were agreed on for January 28, 2009 and January 29, 2009 and February 3, 2009. On January 15, 2009, the Parents requested that the issue of the Student's eligibility for special education be added to the Board's pending due process request. On January 16, 2009, the Board's attorney objected to adding the issue because it should be raised by the Parents in a separate due process case. The Parents' request was denied. On January 20, 2009, the Board's attorney requested a postponement of the three hearing dates so that the parties could schedule mediation on one of those dates, an extension of the mailing date of the final decision and a second prehearing conference if the parties did not resolve the case at mediation. The request was granted, a new hearing date was scheduled for February 17, 2009, the mailing date for the final decision was extended to March 9, 2009, and a second prehearing conference was scheduled on February 5, 2009.

The second prehearing conference was held on February 9, 2009, at the Parents' request. It was agreed that the February 17, 2009, hearing date would be postponed to February 26, 2009 and a second date, February 27, 2009 be added. The mailing date for the final decision was extended to March 23, 2009. On February 23, 2009 the Board's attorney sent a letter to the Hearing Officer advising her that the parties had reached a verbal agreement in principle at a final resolution session. He requested that the hearing dates be cancelled and rescheduled within 30 days or that the matter be dismissed without prejudice. The Parents objected to a withdrawal or postponement. On February 24, 2009, the Hearing Officer advised the parties that the hearing dates were canceled and that a decision dismissing the case would be issued.

**FINAL DECISION AND ORDER:**

It is ordered that this case shall be dismissed without prejudice.