

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Westport Board of Education and Student

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

Appearing on behalf of the Student: Pro Se

Appearing before: Attorney Ann F. Bird, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

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

PROCEDURAL HISTORY

The Westport Board of Education submitted a Request for Impartial Special Education Hearing on February 17, 2012. The Hearing Officer was assigned to the case on February 21, 2012. A telephonic prehearing conference was conducted on March 8, 2012. Hearing dates of April 25, 2012 and May 2, 2012 were scheduled.

On March 9, 2012, Counsel for the Board of Education submitted a written request for a thirty-day postponement and extension of the timelines to conduct the hearings and to file the final decision in this case to May 2, 2012. The request was granted and the deadlines were extended to May 2, 2012.

The Student moved that the Hearing Officer compel the Board of Education to produce copies of certain documents. The Student submitted written argument in support of the motion on March 15, 2012. The Board of Education submitted written objection to the motion on March 21, 2012. The Hearing Officer denied the Student's motion on April 4, 2012.

On April 18, 2012, the Student gave notice that the hearings would be open to the public. On April 24, 2012, Counsel for the Board of Education notified the Hearing Officer that the Board of Education withdrew its Request for Impartial Special Education Hearing. On the same day,

the Student requested that the location of the hearing be changed because members of the public might refuse to comply with the Board of Education requirement that individuals who enter school buildings sign in, including the building scheduled to host the hearing. The Student's request was denied with the proviso that the Hearing Officer would address the concerns of any individual who desired to attend the hearing but objected to signing in on the day of the hearing.

A hearing in the matter was convened on April 25, 2012 at the scheduled location. At the hearing it was noted that no individuals were identified as objecting to signing in to attend the hearing. In addition, the Student requested that a news camera be permitted in the hearing. The Student's request was denied. Further, the Student objected to dismissal of the case in light of the Board of Education's withdrawal or request for withdrawal of its Request for Impartial Special Education Hearing. The Student's objection was overruled, and the hearing was adjourned.

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It is ordered that this case is dismissed.