

June 12, 2013

Final Decision and Order 13-0357/13-0422

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

13-0357 Trumbull Board of Education v. Student

13-0422 Student v. Trumbull Board of Education

Appearing on behalf of the Student: Attorney Jennifer Laviano
Law Offices of Jennifer Laviano, LLC
76 Route 37 South
Sherman, CT 06784

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

Appearing before: Attorney Brette H. Fitton, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the psychiatric evaluation conducted by the Board appropriate?
2. Did the Board deny the Student a Free Appropriate Public Education (hereinafter "FAPE") for the 2011-2012 and 2012-2013 school years?
3. Did the Board commit violations of Student's procedural safeguards? If so, did such violations result in a denial of FAPE to the Student?
4. Did the Board fail to conduct appropriate and timely evaluations of the Student in all suspected areas of disability?

SUMMARY:

On March 18, 2013,¹ the Trumbull Board of Education filed a special education due process hearing request (Case Number: 13-0357). A prehearing conference was held on April 3 and hearing dates of May 14 and May 15 were set. On April 12, the Parents filed a special education due process hearing request (Case Number: 13-0422) involving the same Student. This case was assigned to Hearing Officer Sylvia Ho, who issued an order consolidating Case 13-0357 with Case 13-0422 on April 26. A second prehearing conference was held on May 3 regarding a procedural dispute, which was the subject of an interim order issued on May 9. On May 10, the attorney for the Student withdrew the Student's hearing request and the Attorney for the Board withdrew the Board's hearing request.

FINAL DECISION AND ORDER:

In light of the above facts, the case is dismissed.

¹ All dates herein are 2013 unless otherwise noted.