STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Westport Board of Education v. Student

Appearing on behalf of the Parents:	Attorney Lawrence Berliner
	Law Office of Lawrence Berliner, LLC
	1720 Post Road East, Ste. 214E
	Westport, CT 06880
Appearing on behalf of the Board:	Attorney Christine Sullivan
	Berchem, Moses & Devlin, P.C
	75 Broad Street
	Milford, CT 06460
Appearing before:	Justino Rosado, Esq.
	Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Were the comprehensive evaluations performed by the Board in 2014 appropriate? If not;
2. Is the Student entitled to an independent psychological evaluation at public expense? If so;
3. Are the Parents entitled to reimbursement of the cost of the independent psychological evaluation performed by Dr. Emily Cushman in 2016?

SUMMARY AND PROCEDURAL HISTORY:

The Student has been identified with Other Health Impaired-ADD/ADHD and is entitled to receive a free and appropriate public education (FAPE) as defined in the Individuals With Disabilities Education 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 evaluations performed by the Board and requested reimbursement of the cost of the independent psychological evaluation performed by Dr. Emily Cushman. The Board refused the Parents' request and filed for due process. An impartial hearing officer was appointed on October 19, 2016 and a pre-hearing conference was held on October 27, 2016. A hearing date of January 17, 2017 was chosen by the parties. The parties requested cancelation of the hearing date because the parties had reached an agreement in principal at mediation and needed to finalize the agreement. In an electronic transmission, the Board withdrew their request for due process with prejudice. The date for the mailing of the Final Decision and Order was extended to April 28, 2017 to accommodate the mediation of the parties.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.