

October 11, 2012

Final Decision and Order 13-0114

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Newtown Board of Education v. Student

Appearing on behalf of the Parent: Parent, *Pro se*

Appearing on behalf of the Board of Education: Michelle Laubin, Esq.
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, CT 06460

Appearing before: Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

STATEMENT OF JURISDICTION

This matter was heard as a contested case pursuant to Connecticut General Statutes (CGS) §10-76h and related regulations, 20 United States Code §1415(F) and related regulations, and in accordance with the Uniform Administrative Procedure Act (UAPA), CGS §§4-176e to 4-178, inclusive, §§4-181a and 4-186.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses "Student", "School", "Parent" and titles of school staff members and other witnesses in place of names and other personally identifiable information.

ISSUES:

1. Was the neuropsychological evaluation of the Student provided by the Board appropriate?
2. If so, should the Board's refusal to fund an independent neuropsychological evaluation be upheld?

PROCEDURAL HISTORY

This hearing was requested by the Board on September 6, 2012. The Hearing Officer was appointed on the same day. The date for mailing the decision was November 20, 2012.

A pre-hearing conference was held on September 20, 2012. At that time, the Parties reported that they had agreed to waive the resolution meeting and request mediation from the State Department of Education: mediation was scheduled for October 4, 2012. The hearing was scheduled for October 23, 2012. By letter dated and received by the Hearing Officer on October 9, 2012, the Board's Attorney notified the Hearing Officer that the matter had been resolved in mediation and requested that the case be dismissed with prejudice.

All motions and objections not previously ruled upon, if any, are hereby overruled.

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This matter having been resolved in mediation, it is DISMISSED with prejudice.