

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Westport Board of Education v. Student

Appearing on behalf of the Parent: Jennifer D. Laviano, Esq.,  
Law Offices of Jennifer D. Laviano, LLC  
76 Route 37 South  
Sherman, CT 06784

Appearing on behalf of the Board: Marsha B. Moses, Esq.  
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 psychological evaluation, speech and language evaluation, reading evaluation and academic achievement testing conducted by the Board appropriate? If not;
2. Should the Board conduct independent educational evaluations at public expense in the following areas: psychological, speech and language, reading and academic achievement testing?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student has been identified with Multiple Disabilities and is entitled to receive FAPE as defined in 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 independent educational evaluations (IEE). The Board refused the Parents' request and filed for due process.

An impartial hearing officer was appointed on June 14, 2013 a pre-hearing conference was held on July 3, 2013. A hearing date of September 6, 2013 was chosen by the parties. In an electronic transmission, the Parents' attorney advised the hearing officer that the Parents were withdrawing their request for an IEE without prejudice. The parties were trying to resolve their differences without the use of due process. The Board, upon receiving notice of the Parents' withdrawal of the request for an IEE, also withdrew their request for due process without prejudice. The request was granted and the hearing date was cancelled. The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing dates. The date for mailing the Final Decision and Order is September 27, 2013.

**FINAL DECISION AND ORDER:**

**THE MATTER IS WITHDRAWN WITHOUT PREJUDICE.**