

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

New Britain Board of Education v. Student

Appearing on behalf of the Parent: Attorney Jennifer Laviano
The Law Office of Jennifer Laviano
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board: Attorney Leander Dolphin
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06106-1919

Appearing before: Robert L. Skelley, Esq., Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the decision by the New Britain Board of Education (“Board”) to deny the Parents’ request for an Independent Educational Evaluation (“IEE”) for a psychological; speech and language; occupational therapy; and a functional behavioral analysis, appropriate?
2. If not, are the Parents entitled to a publicly funded IEE for a psychological, speech and language, occupational therapy, and a functional behavioral analysis?

PROCEDURAL HISTORY:

This matter was filed by the New Britain Board of Education (“Board”) on October 30, 2013. A prehearing conference was held on December 6, 2014, after the Parents obtained legal counsel. The Parents requested that the resolution period be extended for settlement purposes, to which the Board did not object. The initial due process hearing was set for February 3, 2014, with a final decision and order date of February 12, 2014. The Parties agreed to utilize mediation in an attempt to settle the matter. A mediation date of January 30, 2014 was set, which necessitated rescheduling the due process hearing date to February 20, 2014 and an extension of the date for the final decision and order to March 14, 2014. On January 27, 2014, counsel for the Board withdrew the complaint, as the Parties had reached agreement in principle.

FINAL DECISION AND ORDER:

This matter has been withdrawn by the Board, citing agreement in principle by the Parties. With no further issues to be considered, this matter is DISMISSED.

If the local or regional board of education or the unified school district responsible for providing special education for the student requiring special education does not take action on the findings or prescription of the hearing officer within fifteen days after receipt thereof, the State Board of Education shall take appropriate action to enforce the findings or prescription of the hearing officer.

Appeals from the hearing decision of the hearing officer may be made to state or federal court by either party in accordance with the provisions of Section 4-183, Connecticut General Statutes, and Title 20, United States Code 1415(i)(2)(A).


Hearing Officer Signature

Robert L. Skelley, Esq.

Hearing Officer Name in Print