

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student

Appearing on behalf of the Board:

Attorney Marsha Moses
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75 Broad Street
Milford, CT 06460

Appearing on behalf of the Student:

Attorney Lawrence Berliner
Law Office of Lawrence Berliner LLC
1720 Post Road East, Suite 214E
Westport, CT 06880

Appearing before:

Uswah A. Khan, Esq.
Hearing Officer

AMENDED FINAL DECISION AND ORDER

ISSUES:

1. Are the Board's Psychoeducational Evaluations appropriate?
2. If not, are the Parents entitled to a psychological independent educational evaluation public expense?

PROCEDURAL HISTORY/SUMMARY:

The Board filed the Due Process Complaint and Request for Hearing on July 16, 2019. The Hearing Officer was appointed on July 16, 2019. A Notice for Prehearing Conference was mailed out, and a Prehearing Conference was held on August 15, 2019. A hearing date was scheduled for September 25, 2019. The mailing date of the decision was August 30, 2019, which was extended to September 30, 2019 due to the hearing schedule. Subsequent extension requests were granted for purposes of the parties' settlement negotiations, and the mailing date was extended to October 30, 2019, no further extension requests were filed. A motion to dismiss was filed by the Parents on August 23, 2019, and the Board responded with an objection on September 6, 2019. The parties subsequently cancelled the hearing date and advised the hearing officer that settlement negotiations were underway. The hearing officer dismissed the case on December 17, 2019 on the grounds of failure to prosecute as the mailing date has passed and not been extended. The Board filed a Motion to Reconsider and Vacate the Order on December 31, 2019, and the Parents filed an objection to said motion. The Board withdrew their Motion for Reconsideration and Vacate Order on January 27, 2020. Simultaneously, the Board on January 27, 2020 filed a Motion to Vacate the December 17, 2019 order requesting the final dismissal on December 17, 2019 be vacated and dismissed with prejudice.

FINAL DECISION AND ORDER:

The Final Decision of December 19, 2019 is hereby vacated, and the matter is **DISMISSED with prejudice.**