

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student

Appearing on behalf of the Parents: Mother pro se

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

Appearing before: Attorney Patricia M. Strong, Hearing Officer

FINAL DECISION AND ORDER

ISSUES

1. Is the Board required to fund the independent psychological evaluation by Dr. Adrienne Smaller requested by the Parents at the April 21, 2009 Planning and Placement Team meeting?

PROCEDURAL HISTORY

The Board's attorney requested this hearing by mailing a letter dated May 21, 2009 to the State Department of Education, which was received on May 26, 2009. This Hearing Officer was assigned to the case on that date. On June 10, 2009 a prehearing conference was held with the Board's attorney and the Mother. The mailing date for the final decision was set at July 6, 2009. The Board offered mediation or a resolution meeting, but the Parent wanted to have an attorney represent her before deciding on a course of action. One hearing date was agreed on for July 2, 2009 with July 17, 2009 as a back-up date. On June 11, 2009, the Parent notified the Hearing Officer that July 2, 2009 was not a convenient date for a hearing and requested July 9, 2009 instead. On June 12, 2009 the Board's attorney requested an extension of the mailing date for the final decision until 14 days after the close of evidence. The Board's attorney notified the Hearing Officer on June 15, 2009 that she was not available on July 9, 2009 and that her client was not available on July 17, 2009. On June 19, 2009, the Hearing Officer gave the parties additional dates in July that she was available. On June 23, 2009, the Board's attorney notified the Hearing Officer that the parties were not all available on any of those dates and proposed August 13, 2009 as a hearing date. The request was granted and the mailing date was extended to September 8, 2009. On August 3, 2009, the Parent advised the Hearing Officer that the Parties had reached an agreement and that the hearing on August 13, 2009 was not necessary. On August 5, 2009, the Board's attorney notified the Hearing Officer that since the Parent had withdrawn her request for an independent evaluation by Dr. Smaller and had agreed to other evaluators suggested by the Board, the Board could withdraw the hearing request. She requested a dismissal without prejudice to re-filing in the event that there was a problem with completion of the agreed-on evaluations.

FINAL DECISION AND ORDER

It is ordered that this case shall be dismissed without prejudice.