

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Brookfield Board of Education v. Student

Appearing on Behalf of the Parents: Attorney Marisa A. Mascolo
Klebanoff & Alfano, P.C.
433 South Main St., Ste.103
West Hartford, CT 06110

Appearing on Behalf of the Board: Attorney Michael McKeon
Sullivan, Schoen, Campana & Connon, LLC
646 Prospect Avenue
Hartford, Connecticut 06105-4286

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Was the evaluation provided by the Board appropriate? If not;
2. Should the Board provide the Student with an Independent Educational Evaluation at the Board's expense?
3. Is The Student a student eligible to receive Special Education as defined in 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a?
4. Did the Board violate child find by failing to identify the Student as a student requiring Special education and related services as defined in 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 11 year old boy who has not been identified as a student entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the September 30, 2009 IEP meeting, the Parents rejected the evaluation performed by the Board. The Parents requested an independent educational evaluation of the Student. The Board refused the Parents' request.

On or about October 21, 2009, the Parents received notice of the Board's request for due process. An impartial hearing officer was appointed on October 21, 2009 and a pre-hearing conference was held on November 30, 2009. Hearing dates of January 28 & 29, 2010 were chosen by the parties. A mediation session was held on January 15, 2010.

In an electronic transmission, the Board's attorney informed the hearing officer that the matter was settled and the hearing was withdrawn with prejudice. At the request of the parties, in order to accommodate the filing of a final decision and order after the hearing dates, the date for the filing of the Final Decision and Order was extended. The date for the Final Decision and Order is February 28, 2010.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.