

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Middletown Board of Education v. Student

Appearing on Behalf of the Guardian: Attorney John M. Flanders,  
57 Washington Road  
Cromwell, CT 06416

Appearing on Behalf of the Board: Attorney Christine L. Chinni  
Chinni & Meuser LLC  
30 Avon Meadow Lane  
Avon, CT 06001

Appearing Before: Attorney Justino Rosado  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Were the evaluations performed by the Board appropriate? If not;
2. Is the Student entitled to an independent psycho-educational evaluation at the Board's expense?

**SUMMARY and PROCEDURAL HISTORY:**

The Student has not been identified as entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Improvement Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting, the Student's Guardian rejected the evaluation performed by the Board and requested an independent psycho-educational evaluation of the Student. The Board refused the Guardian's request and filed for due process.

On December 19, 2011, the Guardian received notice of the Board's request for due process. An impartial Hearing Officer was appointed on December 19, 2011 and a pre-hearing conference was held on December 28, 2011. A hearing date of February 9, 2012 was chosen by the parties. In an electronic transmission, the Guardian's attorney requested a cancellation of the hearing date in order to attempt to resolve the matter. The cancellation was granted and the hearing officer requested that the parties provide hearing dates. There was no agreement from the parties as to a hearing date. The Hearing Officer advised the parties that the new hearing date would be March 2, 2012.

At the hearing the Hearing Officer was advised by the Guardian's attorney and the Director of Special Education that the matter was resolved. The Board's attorney was not present. The date for the mailing of the Final Decision and Order was extended to accommodate the parties' mediation and the hearing date. The date for mailing the Final Decision and Order is March 10, 2012.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH PREJUDICE.**