

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Shelton Board of Education v. Student

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

Appearing on behalf of the Board: Attorney Craig Meuser
Chinni & Meuser, LLC
One Darling Drive
Avon, CT 06001

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

FINAL DECISION AND ORDER

ISSUES:

1. Are the four evaluations (FBA/BIP) with ecological assessment added on], occupational therapy, speech and language, and psycho-educational) completed with the Student, by the Shelton Board of Education, appropriate and do they meet the state and federal requirements for evaluations under the IDEIA?
2. If the answer to Issue No.1 is NO, are the Parents entitled to public funding for Independent Educational Evaluations of those four areas?

PROCEDURAL HISTORY:

The Shelton Board of Education ("Board") filed the request for a due process hearing on September 8, 2014 in response to a request from the Parents to be reimbursed at public expense, for a series of independent educational evaluations in the areas of FBA/BIP; occupational therapy; speech and language; and psycho-educational. The Board believes that its' own evaluations meet the requirements of the IDEA. A prehearing conference was held on October 2, 2014, from which the issues listed above were identified. Initial hearing dates were set for December 5 and December 10, 2014. On November 26, 2014, the Board indicated that the Parties were in the process of finalizing an agreement reached at mediation and would like to postpone the December 5, 2014 hearing date. The request was granted. On December 4, 2014, Counsel for the Board withdrew the request for due process hearing.

FINAL DECISION AND ORDER:

With the withdrawal of the complaint by the Board on December 4, 2014, and with no further issues to be decided, this matter is DISMISSED, without prejudice.

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