

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Trumbull Board of Education v. Student

Appearing on behalf of the Parent: Pro Se

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

Appearing before: Justino Rosado, Esq.  
Hearing Officer

**FINAL DECISION AND ORDER**

*[Corrected February 24, 2107]*

**ISSUES:**

1. Was the educational, functional and behavioral assessments performed by the Board appropriate?  
If not;
2. Is the Student entitled to an Independent educational, functional and behavioral assessment at public expense?

**SUMMARY AND PROCEDURAL HISTORY:**

The Student is classified with Autism and is 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 et seq.

At a planning and placement team (PPT) meeting, the Parents disagreed with the Board's assessments and requested functional and behavioral assessments. The Board denied the request and filed for due process. An impartial hearing officer was appointed on November 7, 2016 and a pre-hearing conference was held on November 15, 2016. In an electronic transmission, the parties informed the hearing officer that the matter had been resolved but requested additional time to finalize the agreement.

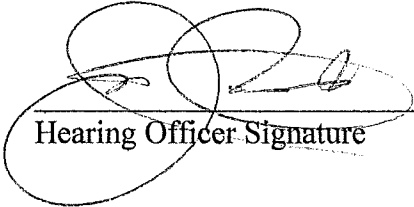
In an electronic transmission The Board's attorney informed the hearing officer that the agreement had been signed and the Parents had withdrawn with prejudice their request for additional assessments. The Board withdrew their request for due process with prejudice. The mailing date was extended to February 17, 2017 to accommodate the finalization of the agreement.

**FINAL DECISION AND ORDER:**

**THE MATTER IS DISMISSED WITH 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

Justino Rosado  
Hearing Officer Name in Print