

DEPARTMENT OF EDUCATION

Westport Board of Education v. Student

Appearing on Behalf of the Parents: Dana A. Johnson, Esq.
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Appearing on Behalf of the Board: Marsha B. Moses, Esq.
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Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL ORDER AND DECISION

ISSUE:

1. Is the Board obligated to provide the student an independent assistive technology evaluation at the Board's expense?

SUMMARY and PROCEDURAL HISTORY:

The student is a 11 years old young child who has not been identified as a student requiring special education and is not entitled to receive a free and appropriate public education as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a June 20, 2006 PPT, the student's Parents rejected the results of the Board's evaluation of the student. The Parents requested an independent assistive technology evaluation of the student. The Board rejected the Parents' request. On or about June 23, 2006 the Board sent the Parents a letter advising them that they were requesting a due process hearing.

On or about June 23, 2006 an impartial special education hearing officer was appointed to hear the matter. A pre-hearing conference was held on July 7, 2006 and hearing dates of July 27 and August 11, 2006 were chosen by the parties.

The Parents in a letter to the Board withdrew their request for an independent assistive technology evaluation. The Board based on the withdrawal of the request for the evaluation withdrew their request for due process.

The date for the final decision and order was extended to accommodate the hearing dates. The date for the Final Decision and Order is September 11, 2006.

FINAL DECISION AND ORDER:

THE MATTER IS WITHDRAWN WITH PREJUDICE.