

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Granby Board of Education

Appearing on Behalf of the Parents: Attorney Marisa A. Masculo
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Appearing on Behalf of the Board: Attorney Linda L. Yoder
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919

Appearing Before: Attorney Justino Rosado, Hearing Officer

ISSUES:

1. Is the Student a student eligible for special education and related services as defined in 20 U.S.C. §§ 1401 et seq?
2. Should the Board be responsible for the payment of the independent psychological evaluation of the Student?

FINAL DECISION AND ORDER

SUMMARY and PROCEDURAL HISTORY:

The Student is a 6 years and 5 month young boy who has been previously identified as Developmentally Delayed and is not entitled to receive a free and appropriate public education (“FAPE”) as defined in Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At a PPT meeting the Parents requested a psychological evaluation of the Student and that the Student should be identified as a student entitled to receive special education and related services. The Board denied the Parents’ request and the Parents filed for due process.

On or about September 18, 2008 the Board received notice of the Parents’ request for due process. Mediation was held on October 28, 2008.

An impartial hearing officer was appointed on September 23, 2008 and a pre-hearing conference was held on September 29, 2008. A hearing date of November 5 & 6, 2008 was chosen by the parties.

In a letter dated October 28, 2008, the Parents' attorney requested that the November 5 & 6, 2008 hearing dates be postponed as the parties were in discussions in order to resolve the matter. A hearing date of November 17, 2008 was agreed to by the parties.

In a letter dated November 13, 2008 the Parents' attorney informed the hearing officer that the matter was settled and the hearing was withdrawn without prejudice.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 December 13, 2008.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITHOUT PREJUDICE.