

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

Student v. Board of Education

Appearing on behalf of the Parents:

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Appearing on behalf of the Board:

Marsha Belman Moses, Esq.
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Appearing before:

Mary H.B. Gelfman, Esq.
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the Board responsible for funding a recent independent evaluation, as requested by the Parents?
2. Is the Student eligible for special education?

PROCEDURAL HISTORY:

This hearing was requested on September 30, 2008, and the Hearing Officer was appointed on October 2. A pre-hearing conference was held on December 2, to accommodate mediation on November 26. The mailing date for the final decision and order, December 14, was extended to January 13, 2009. The hearing was scheduled for December 23, 2008, and January 14 and 15, 2009. To accommodate the additional hearing dates, the mailing date for the decision was extended to February 13, 2009.

On December 18, 2008, the Parents notified the Hearing Officer that they had withdrawn their request for hearing.

All motions and objections not previously ruled upon, if any, are hereby overruled.

In order to comply with the confidentiality requirements of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g and related regulations at 34 C.F.R. § 99, the following decision uses “Student”, “School”, “Parent”. And titles of school staff members and other witnesses in place of names and other personally identifiable information.

CONCLUSIONS OF LAW:

Section 10-76h, Connecticut General Statutes (C.G.S.), and related regulations at Section 10-76h, Regulations of Connecticut State Agencies, authorize an impartial hearing officer to conduct a special education hearing and to render a final decision in accordance with Sections 4-176e through 4-180a, inclusive, and Sections 4-181a of the C.G.S. Section 20 U.S.C. § 1415(f) and related regulations at 34 C.F.R. § 300.511 through § 300.520 also authorize special education hearings.

FINAL DECISION AND ORDER:

The request for hearing having been withdrawn by the Parents, this matter is DISMISSED without prejudice.