

STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION

Trumbull Board of Education and Student

Appearing on behalf of the Student: Attorney Elizabeth Moyse
Law Office of Jennifer Laviano LLC
76 Route 37 South
Sherman, CT 06784

Appearing on behalf of the Board of Education: Attorney Eric Barba
Berchem, Moses & Devlin PC
75 Broad Street
Milford, CT 06460

Appearing before: Attorney Ann F. Bird
Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Is the District Functional Behavioral Assessment appropriate?
 - a. If not, is the Student entitled to an independent Functional Behavioral Assessment at public expense?
2. Is the District Transition Assessment appropriate?
 - a. If not, is the Student entitled to an independent Transition Assessment at public expense?
3. Are the District Academic Assessments appropriate?
 - a. If not, is the Student entitled to an independent Academic Assessment at public expense?

PROCEDURAL HISTORY:

The Board of Education initiated this special education due process case on July 10, 2017. This Impartial Hearing Officer was assigned to the case on August 7, 2017. A Prehearing Conference was convened on August 16, 2017. Attorney Elizabeth Moyse appeared on behalf of the Student and Attorney Eric Barba appeared on behalf of the Board of Education.

The parties reported that another due process case is currently pending between the parties that is expected to be concluded in October 2017. They agreed that, in the interest of administrative economy and avoiding inconsistent and/or duplicative results, the evidentiary portion of this matter would await issuance of the decision in the earlier filed case, if possible.

It was established that the deadline for filing the final decision in this case was August 24, 2017. An evidentiary hearing was scheduled for October 25, 2017, October 27, 2017 and October 30, 2017.

The Board of Education requested an extension of the deadline for filing the final decision on August 16, 2017. The request was granted and the deadline was extended to September 22, 2017.

The Board of Education made a second extension request on September 22, 2017. The Student joined in that request. The request was granted and the deadline was extended to October 20, 2017.

On October 13, 2017, the parties mutually requested that the hearings be cancelled and the deadline for filing the final decision be extended for an additional 30 days so that the parties might continue to pursue settlement discussions and await the final decision in the other case. The request was granted and the deadline was extended to November 17, 2017.

On October 30, 2017, the Student withdrew his requests for independent educational evaluations without prejudice. On October 31, 2017, the Board of Education requested dismissal of its request for due process.

FINAL DECISION AND ORDER:

It is ordered that the Board of Education's request is granted and the matter is dismissed.