

April 15, 2019

Final Decision and Order 19-0343

**STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION**

Norwalk Board of Education v. Student

Appearing on behalf of the Student:

Attorney Lawrence Berliner  
Law Office of Lawrence Berliner, LLC  
1720 Post Road East, Suite 214E  
Westport, CT 06880

Appearing on behalf of the Board:

Attorney Christine Sullivan  
Berchem Moses PC  
75 Broad Street  
Milford, CT 06460

Appearing Before:

Attorney Susan Dixon  
Hearing Officer

**FINAL DECISION AND ORDER**

**ISSUES:**

1. Is the Board's initial evaluation, consisting of a cognitive functioning, speech and language and academic achievement appropriate?
2. If not, are the Parents entitled to an Independent Education Evaluation ("IEE") in the areas of cognitive functioning, speech and language and academic achievement?

**PROCEDURAL BACKGROUND:**

The Board filed this Request for a Due Process Hearing on February 5, 2019. The Hearing Officer was assigned on February 5, 2019. A Prehearing Conference was scheduled for February 13, 2019. At the conference, the hearing date of March 15, 2019 was set and a date of the mailing of the final decision agreed to be April 15, 2019. Counsel notified the parties and the Hearing Officer that they wished to postpone the hearing date to April 1, 2019, as the Parents were unavailable on March 15. On March 27, 2019, the Parents notified counsel for the Board that they were withdrawing their request for an Independent Education Evaluation. The Board's attorney then notified the Hearing Officer that, in light of the Parents' withdrawal of their request, that the Board withdraws the case without prejudice.

**FINAL DECISION AND ORDER:**

The case is DISMISSED without prejudice.