

**STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION**

District Board of Education v. Student

Appearing on behalf of the Parent: Attorney Erin R. Schaffer
New Haven Legal Assist. Asso., Inc.
425 State Street
New Haven, CT 06110

Appearing on behalf of the Board: Attorney Marsha B. Moses
Berchem, Moses & Devlin, P.C.
75 Broad Street
Milford, Ct 06460

Appearing Before: Attorney Justino Rosado, Hearing Officer

FINAL DECISION AND ORDER

ISSUES:

1. Was the 3/16/2009 psycho-educational evaluation of the Student performed by the Board appropriate? If not;
2. Is the Parent's request for an independent evaluation of the Student at the Board's expense appropriate?

SUMMARY and PROCEDURAL HISTORY:

The student is an 11 year and 7 month old boy who has been identified as having an Intellectual Disability and is entitled to receive a free and appropriate public education ("FAPE") as defined in the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1401 et seq. and Connecticut General Statute §10-76a. At the March 17, 2009 PPT meeting, the Parent requested an independent evaluation of the Student at the Board's expense. The Board refused the Parent's request and requested due process.

An impartial hearing officer was appointed on May 27, 2009 and a pre-hearing conference was held on June 11, 2009. Hearing dates of July 29, 2009 & August 17, 2009 were chosen by the parties.

In a letter dated July 1, 2009 the Board advised the Hearing officer that the Parent had withdrawn her request for an independent evaluation and the Board requested that the matter be dismissed. At the request of the parties and in order to accommodate the filing of a final decision and order after the hearing dates, the date for the mailing of the Final Decision and Order was extended. The date for the mailing of the Final Decision and Order is September 17, 2009.

FINAL DECISION AND ORDER:

THE MATTER IS DISMISSED WITH PREJUDICE.